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EDITORIAL

In these stressful times when political and international crises, heightened always by fears of war, tend to absorb public attention, relatively little notice is taken of matters that have been of the greatest moment to mankind since the dawn of civilization. The control of sexual impulses whether by moral, educational, social or penal measures is such a matter. Saving occasions when an unusually sensational case of sexual perversion reaches the headlines, the dark and chequered history of sexual conflict remains buried in anthropological treatises which at the beginning of this century were regarded by legal and social opinion as pornographic works. Under these circumstances the appointment by the Government of a Departmental Committee to consider the legal and social standing of homosexuality and prostitution was an important decision; it renewed the hopes of those who seek for a humane solution of difficulties that have reduced the authorities to taking measures conspicuously unsuitable to achieve their end. When in addition the Government of the day in full debate enters what is for most practical purposes a *nolle sequi* to the Report, the time has come for people of scientific temper to take stock of the situation.

Regarding the Homosexual Section of the Wolfenden Report little need be added to the observations made in the special number of this Journal on Homosexuality (Vol. IX, No. 1, July 1958). In view, however, of the Government's decision to do no more than 'take notice' of the Report's recommendations, we may repeat our regrets that the scientific evidence laid before the Committee was not published. For while the Wolfenden recommendation, viz., that homosexual acts occurring in private between consenting adults should not constitute a criminal offence, would seem to represent a milestone in the progress of instructed public opinion, it was a finding based on a remarkable and long-established con-

sensus of scientific opinion put before the Committee. Viewed from this point of view the Home Secretary's promise of research on the subject, though laudable enough in itself, seems to have operated as a placebo to still the consciences of those who are left with the uneasy feeling that the manifest homosexual is treated as a scapegoat for the homosexual components that exist unnoticed in the community at large. And while it may be argued that after the Wolfenden Report the legal and possibly the social prejudice against homosexuality can never again be so intense, this is possibly an over-optimistic view. It is of course open to the Courts to mitigate criminal proceedings by treating the offence as a problem in individual development calling for the most careful scrutiny and where feasible for treatment rather than penal sentence; but it is always possible that some magistrates and judges may be encouraged by the Government's inaction to deal with homosexual cases with unaltered or even more condign severity. Even if such a regressive reaction does not ensue, it must be clear that treatment is appropriate only in cases where homosexuality reflects some mental aberration; it leaves the problem of the so-called 'normal' homosexual entirely untouched. In short, the one indisputable conclusion to be drawn from the Parliamentary debate is that, despite the modern tendency to temper punishment with measures of amelioration, the attitude to homosexuality of our present Elizabethan legislators is in some respects more obscurantist than that of our mid-Victorian forebears.

Turning to the problem of prostitution, the one indisputable conclusion that can be drawn is that never in the history of Departmental Committees or Parliamentary Proceedings has so little been known of a problem that affects so many. The prostitute plying her ancient profession is not a ready subject for investigation; even when apparently co-operative she confesses as a rule with her tongue in her cheek, producing thereby fabrications which do little more than cloud the understanding of her interlocutors. The truth is that the prostitute herself understands the reasons for her choice of profession no more than the bewildered heterosexual knows why he has contracted an unhappy marriage. Despite this drawback or just because of it, the problems of prostitution call for as close and comprehensive investigation as do those of homosexuality. *A propos*, it is to be regretted that the Report (para. 297) should give the impression that 'sociology' and 'reform' have nothing to do with 'deliberate scientific investigation'. It is impossible, for example, to assess variations in the incidence of prostitution without a parallel investigation of the rates of pre-marital intercourse; or to account for different types of prostitute without a social survey of the patrons whose demand the prostitute supplies.

On the necessity of broad sociological and psychological research all our contributors are fully agreed. The Wolfenden Report itself, though maintaining that its concern is with the problem of street offences, shows a significant inclination towards systems of warning and of early contact with trained social workers and probation officers, thereby giving tacit assent to the view that to concentrate on deterrence of public solicitation is to put the cart before the horse. And although the Committee perforce agreed that prostitution is not a crime, it is clear that its attitude to street offences was to some extent sharpened by the realization that the real problem lies elsewhere, and has so far proved insoluble. If it is to be solved, something more than mere social contact with the young prostitute is essential. The seeds of prostitution are sown during childhood, and, as in the case of delinquent conduct, we must fall back ultimately on child guidance and educational organizations to detect and correct the factors that later on give rise to abnormal or archaic sexual manifestations.

Nevertheless one can sympathize with the difficulties confronting the Wolfenden Committee. Being unable to strike to the roots of the problem they could but gamble on a system of deterrence of street offences, even if by so doing they implicitly confessed the failure of their efforts. To be sure, if fines are deterrent, why not increase these to counterbalance the existing reduction of monetary values? The threat of a three months prison sentence on a third conviction is, however, quite a different matter. The Committee was constrained to justify the suggestion on the grounds that the threat of a prison sentence may induce prostitutes to give assent to a probation order. But this implies that the prison sentence as such is unlikely to prove an effective deterrent. On the other hand, to threaten a prison sentence is a vote of no confidence in the deterrent effect of fines!

Is there then no real solution of this problem of street offences? Judge John V. Barry seems to think that in Australia at any rate there is, although whether this is due to the more systematic application of controlling measures or to the comparative absence of righteous indignation on the part of the general public is not very clear. Incidentally, as in this country, the term 'common prostitute' still applies in Australia—a legal usage which we, in common with Miss Graham Hall, believe should be abolished. And we are inclined to agree with her that it is desirable to establish 'annoyance' on the testimony of an independent witness. One may well argue that this would make the law governing soliciting entirely unworkable. On the other hand, it reduces court proceedings to a farce to be content with the unsupported testimony of a policeman that the accosted person was 'annoyed'. All in all we must recognize with regret that three years of hopeful labour have ended in a penal anti-climax.

NOTES ON PROSTITUTION

BY L. FAIRFIELD (LONDON)

One of the most significant statements in the Wolfenden Report is that, although the Committee had no difficulty in getting a homosexual to give evidence, they could not induce any prostitute to do so. It is just this inability to arrive at the point of view of the prostitute still 'engaged in the active practice of her profession' which constitutes one of the main obstacles to rational reform. In spite of the breakdown of traditional barriers to social interchange in a modern society, the prostitute remains an isolated figure, known only in highly specialized relations with clients, *souteneurs*, her colleagues, landladies, a few social workers and the police. Ignorance of the human beings concerned makes a poor basis for social reforms. I have therefore ventured to set down in all diffidence some of my own contacts with women of this elusive profession at home and abroad over the last fifty years. Of the clients, nearly as important as a factor in the situation, I know too little of value to mention.

The first significant experience that came my way was being asked to edit a book published anonymously in 1916 under the title of 'Downward Paths'. The writer was one of the first women of education who ever attempted to study prostitutes as individuals, to mix with them personally and to depict objectively the conditions of their trade. Unfortunately she had died before her notes were completed, but much new and valuable material had been collected. It was characteristic of the times that our own personal contacts with prostitutes had to be concealed at the request of the publisher. The most striking fact brought out was the appalling economic background of these women. Their wretched wages (6s. to 12s. a week was common) and worse still, irregularity and insecurity of employment made discussion of all other supposed causal factors seem irrelevant. The reports read like a nightmare, and were none the less pitiful that the girls took their bondage so much for granted.

The religious workers who had collected many of our primitive case-histories 'tended to forget all but the material needs of a human being' and felt justified in interpreting a frustrated craving for a scrap of enjoyment as 'lust'. We felt passionately that—at that moment—working for a reasonable standard of living for women generally would be more profitable than preaching about morals and strength of character.

The other important point we emphasized was the true relationship of the prostitute and the 'bully' which was then—and still is—gravely misunderstood. We did not, of course, deny that he was usually an undesirable character, but 'the woman', we found, 'far from being his victim, has a double need of him (firstly) because the constant change of partners who satisfy neither her affections nor her need for companionship enhances her loneliness and intensifies the desire which every normal person feels for relations of some permanence.' And, secondly, because 'he is also an economic asset, protecting her from brutal or bilking clients—less the orchard thief than the blow-fly that settles on fallen fruit.'

These views almost paralysed our critics in 1916, and are restated here because Mrs. Rosalind Wilkinson, writing with far wider experience forty years later, was rather surprisingly compelled to say: 'Today in this country official and public attitudes are becoming increasingly tolerant towards the prostitute, but remain unrelenting towards the man who lives with her. . . . Probably no other class of criminal has provoked such exaggerated and entirely condemnatory reports in the Press, or such scathing comments from the legal profession.'¹ The psychological reasons for this attitude are very intelligible, but it has undoubtedly led to much misdirection of attempts at social reforms. This is not to say that under certain social conditions the *entrepreneur* does not become a serious public menace and tends to hold girls in the trade, as will be discussed later.

Shortly after the First World War, I found myself marooned in the Panama Canal Zone for a few weeks on the way to a health campaign in the West Indies. Prostitution had proved a problem of major importance for the Americans in control of the Zone on account of the alarming prevalence of venereal disease, and they had insisted on taking over the medical supervision of the women in the Red Light districts. In Colon, this area presented a much less lurid aspect than its name would imply, for it consisted merely of a couple of shabby streets of the usual low pink or buff stucco houses with a few squalid shops and bars. In the hot afternoon sunshine, on the pavements and balconies, some dozens of girls,

¹ 'Women of the Streets', Secker and Warburg, London, 1955.

mostly very young, were preening themselves like children dressed up for nursery theatricals. Most of them wore tawdry evening dresses but a few were attired in a traditional costume one sees in Goya's sketches, low cut bodice, short full crimson skirt and a headdress of ribbons and flowers piled high over the forehead. Every race and colour from round the Seven Seas had made its contribution to this community, often in grotesque mixtures, but even the pleasantest young faces were rendered repellent by thick, dead-white powder and red paint, then the only available cosmetics. Though entry to this district was forbidden to children under twelve by police regulation, a few babies and toddlers crawled in and out of the houses, and groups of youngsters from neighbouring streets hung round begging the girls for sweets and money, an ugly education in vice for both sexes.

Though public opinion was against any respectable woman going near the area, I was intensely curious to learn more of its strange inhabitants. Fortunately, I was able to meet some of them at the Clinic which the American Health Service had established for the periodic examination of registered prostitutes. (The Americans had found on arrival in the Zone that the doctor charged with this duty was running the biggest car in the State, and no wonder. The authorities paid him one dollar a head per week for examining the girls, and the girls paid him two dollars each *not* to be examined. He then treated their infected clients at handsome fees; the police got their rake-off, and all concerned, especially the *spirochaeta pallida*, were thoroughly contented.) The new Clinic was very efficiently run and appeared to the girls as an amusing but incomprehensible game. No woman nurse had been obtainable, but a local male attendant assisted the doctors and translated when necessary. It was interesting to find that while the girls accepted this male attendant's ministrations with happy giggles, my arrival caused consternation and anger. A 'lady' could only have come to jeer at them. The doctor's explanation that I was a doctor also was rejected with hoots of mirth, but soon we settled down to mutual smiles and timid hand patting. There were, as I recollect, no Europeans among these pathetic bits of flotsam, who were reputedly the children of prostitutes or other outcasts, or unwanted offspring sold by destitute parents to the brothel-keepers. I asked about kidnapping or forcible detention. 'Not if they have a male relative who can hold a knife', I was told, for public opinion here supported family rights. But for the helpless girls without family backing it was unlikely there would be any need for compulsion. The Red Light district was giving them their brief hour of glorious life with—incredibly—enough food and clothing and no worse physical treatment than had always been

their lot. Behind them lay a childhood of rags and hunger, ahead an even grimmer old age. One learnt that in a social economy which makes no provision for the destitute or unprotected girl even the brothel may appear as a desirable haven.

Across the Isthmus at Panama, the Red Light district had just been abolished in favour of scattered *bordellos*. The registered prostitutes I found in the admirable American-run clinic were all Europeans, eight nationalities appearing at that session, the coloured population being allotted another afternoon. The charming, intelligent young American nurse in charge had learnt that she could do little to restore these girls to decent conditions of life, so she acted as uncritical friend and adviser to them, saw to their care when sick, soothed their quarrels and tried to get them to save. There was much more intelligence, amiability and physical attraction here than in Colon, but the standard was far from high. They seemed contented enough and there was no hint of coercion. I asked the nurse if they liked the life. 'On the whole, no, but they prefer this to any other work open to them.' 'Did any of them ever get back home?' 'Practically none except the French who alone know how to save!' A few married locally, but what happened to the older ones no one seemed to know or care. Years later, I encountered in a British Mediterranean port the only woman recorded as having made a really satisfactory exit from a prostitutes' register. She drew a winner in the Irish Sweep, married her ponce, and departed for a tour of the high-spots on the Riviera!

In the West Indian islands, one found an enthralling social scene which is so little changed today in essentials that it may be worth recalling. 'Commercialized vice' of the type found on the American mainland was practically unknown; brothels, of course, existed but were much smaller, less organized affairs, and the inmates, male and female, were less marked off from the general population. The same was true of prostitution generally, and one sympathized with the Austrian *cocotte* who left after a week's visit, remarking angrily to the Medical Officer of Health, 'The women of this town are so immoral that a respectable prostitute would starve.' The most striking novelty to a stranger was the indifference to the marriage ceremony on the part of the lower grade workers, even practising members of exacting creeds. It was and still is a common error to conclude that an illegitimacy rate of 60 per cent. to 80 per cent. in these groups implies a squalid promiscuity. On the contrary, the people, however uninhibited, have their own codes of fidelity to partners and obligations to children, differing between the islands but adding up to a reasonably happy and stable social system—

provided it is not disturbed by sudden social or economic changes, when the desertion of concubines and children inevitably follows.

The other West Indian characteristic of contemporary importance is the forthright interpretation the islanders give to sex-equality. A girl suffers little or no disability from unmarried motherhood. What is more, she is expected to give her boy-friend presents of gay clothes and small luxuries, and to keep him if he is unemployed. This is entirely without coercion; the woman looks on gifts and material help as a normal gesture of love, the man is proud that he can attract such a desirable woman. Even if she earns the household money by prostitution it is not, at any rate among the illiterate and semi-skilled, anything like as shameful to either of them as in Europe. One need hardly add that such a code is liable to be misunderstood if exported to more sophisticated regions, and does in fact easily degenerate into real vice. Among the more educated coloured people these traditional customs have long since been deplored and repudiated, but with less impression on the general situation than had been hoped.

On return from the Caribbean in 1921, my work brought me several close contacts with English prostitution very relevant to contemporary problems. The duty of certification of adults (including Court cases) under the Mental Deficiency Acts then carried much reporting on mentally abnormal persons referred by magistrates and social workers to us (as Public Health officers) in the absence of psychiatric clinics. A great advantage in dealing with the mental defectives was that one had a skilled social worker available to check up the girl's statements and to examine family backgrounds. Apparently good homes turned out to be rotten and apparently good girls likewise. One learned the futility of sending a young delinquent home to her mother (a favourite prescription of magistrates) if friction between them was the cause of the trouble, or of simply 'getting another job' (once the social worker's panacea) if endless failures had shown that a low I.Q. will prevent her from keeping it. We learned to distrust the ancient fallacies that the I.Q. doesn't matter, or that the mentally deficient prostitute is a gay, care-free creature who has found her true *metier* and shouldn't be disturbed. English city streets had been full of high and medium-grade defective prostitutes when the Mental Deficiency Acts came into force, and probation officers and police agreed with our findings that they were the most miserable, most grossly exploited and most diseased of their kind. Fortunately an era of full employment has made rehabilitation schemes much easier to implement and permanent institutional detention for defectives is a much rarer necessity today.

The mentally normal street girls one then found in many hundreds in the common lodging houses² living in rough conditions but better off than they would have been elsewhere. Through the medium of the 'keepers', mostly motherly women who co-operated well with us for the women's welfare, we got to know the condition of their lives and the girls themselves pretty well. We learnt that their earnings were pitifully small—only 1s. 6d. to 2s. 6d. for what is now known as a 'short-stand', or a night-run in a lorry from London to Doncaster, 'You can't spoil a man's pay-packet for his wife', said one girl with whom I remonstrated for not obtaining better terms. Today, pay-packets can stand a severer strain and the modern equivalents of these women are now living in lodgings or bombed dwellings alone or with ponces (who seem to be much more numerous), but the principle stands and is worth remembering when the scale of fines comes to be reconsidered. It was healthy for us to get to realize at close quarters the invariable untruthfulness of these women, whose livelihood depends on pleasing clients who bore or disgust them. And how they revel in playing off outsiders from the respectable world against each other! 'I'd rather talk to a gentleman like you than that old cat' . . . 'You understand about it all, ducks, better than any gentleman—they're all the same' . . . 'Ark to the tales we make up for Miss'—(social worker). 'Matron (in a Magistrates' Court) thinks she knows everything—as if we'd spill the beans when she's no better than a busy.' Yet with each of these despised do-gooders there had probably been some sort of helpful interchange. About their past and homes they would rarely speak, but they quickly adopted any romantic theory currently popular in the Sunday press to explain why they had gone on the game; the real reasons they perhaps rarely knew themselves. When we did get a chance of checking on case-histories they usually proved to be a tangled tale of squalid mishaps. As in the case of all delinquencies, 'one rarely, if ever, meets a single determinant but rather a constellation of partial causes acting and reacting on each other.'³

The most closely guarded secrets concerned the street girls' relations with the police, and it took intimate acquaintance to unlock the mystery of the wide-spread system of bribery. Ten shillings a week was the routine except on the more profitable beats and it was understood by both parties that this was a mere 'licence to practise' and did not cover drunkenness or 'rolling a trick' (stealing from a client), nor did it confer protection in raids. Both police and women found the system convenient and had

² Then under the supervision of the L.C.C.

³ *Archives of Criminal Psychodynamics*, 'Configurational Approach to Causation', by D. C. Frankenstein.

no wish to see it abolished. The changed economics of the trade and the much higher morale of the police force have altered the situation entirely today; it is cheaper for the women to be fined than to bribe. It is, however, feared by many that the introduction of very high fines and imprisonment as penalties for street soliciting might bring about a return of this former unhealthy situation.

Not until the Second World War did I get a chance of meeting in Europe the very young girl prostitute, for British legislation had been extremely successful in enforcing 16 as the age of consent and destroying the trade in children so flourishing in Victorian times. But many of our allies had an insatiable appetite for 'chickens', and the disintegration of family life in wartime opened the door for a number of greedy children between 12 and 16 who rushed to snatch the rich rewards. We had thought it couldn't happen here—so it was a lesson to the over-complacent that eternal vigilance is needed to maintain a decent standard of conduct in any State. For the first time, the London authorities had to open a unit of 50 beds for girls under 16 with venereal disease. Even these youngsters often showed the dislike of work in any form which is such a common and important trait in prostitutes, and constitutes one of the chief barriers to their rehabilitation. 'Until a service is offered which allows them to stay in bed late, work spasmodically or not at all, have no regard for time-keeping or arrangements with other people', writes Mrs. Wilkinson, 'the majority of prostitutes will remain inaccessible and any form of rescue work or rehabilitation which demands more stability than they are psychologically capable of, will inevitably fail.'⁴ Many of the women who have spent their lives in contact with prostitutes have told me the same thing and have confirmed my own personal impression. These character defects which prevent acceptance of normal obligations in work or domestic life appear to be quite as important as frigidity (surely explicable where time is money!) or excess of sexual feeling, either of which is very difficult to assess correctly, in determining whether a girl stays in the game.

The increased amount of money in circulation since the war has produced some drastic changes in the structure of British prostitution. The sums demanded by the women are much higher, and where the pickings are so large the vultures naturally gather. Of the condition of the streets enough has been said; it offends not only prudes and is certainly worse than it has been for many years. It is further stated by those in touch with the traffic that it tends to become more organized,

⁴ 'Women of the Streets', p. 104.

and that exotic figures resembling the almost legendary 'white slaver' of a couple of generations ago are coming to the fore. Characteristically, these gentry tend to attract into the trade young girls who might have continued in decent work, and they hold their dupes in their new calling not by violence but by cajolery, offers of a good beat, comfortable flats, expensive clothes and by ingenious methods of keeping them in debt. These men may have to be paid a considerable rake-off and in addition a girl may want to maintain her own lover for reasons already stated. The Wolfenden Report has crystallized some of the most intelligent suggestions for combating these tendencies to the increase of an abominable way of life.

To take the least disputable section of the Report first, my own small experiences lead me to welcome with enthusiasm any measures which deal with prostitutes *early*, as for example the Scottish system of police warnings to the novice, the insistent contacts with trained social workers, and the excellent practice of referring girls charged for the first or second time to the probation officer. Remember, we haven't all the time in the world when dealing with wayward adolescents, though most unfortunately current sociological slogans about preserving the integrity of the family at all costs have been twisted into excuses for dangerous delays. If the girls are really in 'moral danger' every day spent in the highly specialized world of prostitution leaves its mark on speech, on gait, on thought, and adds to the risk of meeting some disastrous predicament such as venereal disease or an illegitimate pregnancy. Moreover, working girls mature much more quickly than those from a bourgeois background and they begin to resent discipline and training at an earlier age, as the much-tried staffs of senior approved schools could testify. To raise the age of compulsory detention as a preventive measure to 21 would, I fear, simply create worse resentments and more serious behaviour problems.

If compulsion on the prostitute who has attained adult status is futile, and suppression of prostitution by direct decree completely unworkable, as all serious critics would agree, what can the community do about it? One should, I believe, attach primary importance to two personal factors before considering legislative measures. Firstly, every opportunity should be given to women to slip out of the ranks of prostitutes quietly and take up other work which will give them certainly less money but, one hopes, more self-respect. This already happens much more often than the public suspects. Fortunately, generous and understanding help is today available from many official and voluntary sources and I am satisfied that this fact is well known to the women themselves. Secondly, there must be a genuine belief among the public that traffic in sex for gain is wrong,

and disastrous in the long run to the offender. It is a mistake to suppose that public opinion does not filter through to social rebels and does not have a profound, if inarticulate, influence. Without it, no reforming measures can have much result. Why should a girl refrain from picking up easy money if the folk in her community don't see very much wrong with what she is doing?

Legislative measures of reform I have put last, but not because I have fallen into the common fallacy of thinking them unimportant. The crux of the matter is that they should rest on an informed and (as I believe) Christian standard of conduct. Even then there is little chance of unanimity of outlook. The Wolfenden Report's proposals concentrate on the need for clearing the streets and give sound reasons for thinking that this is the major issue *under present conditions*, partly because many streets now violate civilized standards of decency and form an affront to the rights of the ordinary citizen, partly because the presence of prostitutes openly carrying on a profitable trade with almost complete immunity is a constant encouragement to the young girl 'to whom a life of prostitution had not become a fully formed intention'—and lastly because 'the ease with which prostitutes can be met is in itself a promoter of the traffic and an active temptation to men of all ages.'

It is surely not necessarily prudish or hypocritical to desire that in so far as prostitution in some form is inevitable it should not be blatantly obtruded. I have never been able to understand why some people consider that prostitutes should be exempt from regulations springing from the inherently offensive nature of their trade and should claim a right to conduct it on public thoroughfares.

The Wolfenden Committee had much evidence to show that our very low scale of penalties—forty shillings or ten days imprisonment—was a strong contributory element to the increase in the street traffic. They have, therefore, decided to ask for fines of £10 for the first offence, £25 for the second, and three months imprisonment for the third. It is the opinion of many observers that this would 'fine most of the women off the streets' and drive a large number into becoming 'call-girls' with a flat and a telephone, while the less successful would congregate in cafés and public houses. The Committee members have faced these alternatives and it is their considered opinion that the changes would be for the better.

Now risks must be taken in any new legislation, especially when one is operating in such a little-known field, and, like that of many others, my first reaction to the Report was wholly favourable. But I have been struck by the grave doubts expressed by those who know the practical

problem most intimately and, so to speak, closest to the soil. Their chief objection is that if the fines are raised to such a very high level with a threat of imprisonment ahead, and if the demand for suitable flats and lodgings were to be drastically increased, the whole economics of the trade would be dangerously inflated. The girls would need more capital, more organization behind them and the notoriously undesirable class of *entrepreneurs* would greatly increase. Further, it is understood that the police have no desire to see the social life of prostitutes, their clients and potential clients, transferred to licensed premises and milk bars which they could do little or nothing to control. And, lastly, there is even among those who most admire our police an understandable doubt whether they are wholly exempt from human weakness. Would it be possible to secure honest administration of the proposed laws? With a trade concentrating big money in a comparatively small area, the temptations from bribery might become a serious menace, and our last state might well be worse than our first. The controversy still rages and it is possible that by the time the Home Office is ready to produce a legislative scheme some clearer guidance may have emerged. There is more than enough to do in the meantime in attacking the defects in education and moral outlook which make prostitution such an immense social problem.

THE PROSTITUTE AND THE LAW

BY JEAN GRAHAM HALL (LONDON)

The Street Offences Committee, in 1928, reported that 'as a general proposition it will be universally accepted that the law is not concerned with private morals or with ethical sanctions.'¹ The Committee had been set up to enquire into the law and practice regarding offences against the criminal law and solicitation for immoral purposes in streets and public places and other offences against decency and good order. In explaining that prostitution was not an offence against the English criminal law, but that the crime of solicitation was its concern, the Committee reminds us: 'the law does not require that persons must be acquainted before they address each other in the street, nor does it prescribe topics on which they may converse.'

THE PRESENT PRACTICE REGARDING SOLICITATION

Prostitutes are now regularly arrested for soliciting 'to the annoyance of the inhabitants or passengers' under the Metropolitan Police Act, 1839, Section 54, or 'to the obstruction, annoyance or danger of the residents or passengers' under the Town Police Clauses Act, 1847, Section 28, (now incorporated in the Public Health Acts) and are fined 40/-. The number of prosecutions depends to some degree on the enthusiasm of local police for bringing before the courts those who frequent the same streets night after night. The arrests bear little or no relation to the question whether the woman concerned did in fact annoy anyone² or was doing anything she did not ordinarily do.

The Justice of the Peace Act, 1351, has been revived by some London magistrates who, instead of fining prostitutes, bind them over in their own recognizances in a substantial sum of money to be of good behaviour. Sometimes the magistrates also order the girls to find sureties in a similar sum. It does not appear from any available evidence to have been the object of Parliament in the early nineteenth century that such severe punishment should be used for prostitutes. The breaking of the recognizances results in the sending of prostitutes to prison. If Parliament had actually intended prostitutes to go to prison for soliciting, it would have passed legislation to that effect instead of imposing a 40/- penalty.

¹ Report of the Street Offences Committee, 1928. Cmnd 3231.

² Memorandum of evidence of Society of Labour Lawyers to the Wolfenden Committee.

BAWDY HOUSES

In England for many years the keeping of brothels has been prohibited at common law and by statute.³ By the Sexual Offences Act, 1956,⁴ any person who 'keeps or manages or acts or assists in the management of a brothel or if in charge of premises, knowingly permits such premises or any part thereof to be used as a brothel', may be prosecuted. On summary conviction such person may be fined up to £100 or given three months imprisonment for the first offence, or fined up to £250 and/or given imprisonment for six months on the second or subsequent offence.

Positive statements⁵ that the existence of licensed houses was an incentive to traffic in women, both national and international, are generally acceptable in this country. In view of the assuredly fierce opposition that would be offered by women's organizations to such ideas, their introduction is unthinkable in this country.

Some difficulty arises over the definition of a brothel. The term is certainly not applicable where one woman receives a number of men.⁶ The premises cannot in law be a brothel unless at least two women are using them for the purposes of prostitution. Where there are separate lettings of separate premises in a house to separate prostitutes, the whole of the house does not constitute a brothel. In *Strath v. Foxon*,⁷ the first and second floors of a house were let to A. The third floor, which was separated from the others by a substantial door with a yale lock and was therefore completely self-contained, was let to B. Both A and B were seen taking a number of men into premises for the purpose of prostitution, but they only used their own parts of the house. It was held that except for a kitchen there was no common user, and the premises did not constitute a brothel.

LANDLORD AND TENANT TROUBLE

Prostitutes must live somewhere. Landlords with such tenants know that the rents can be pushed to a high figure. In a prosecution under the Vagrancy Act, 1898,⁸ against certain landlords and estate agents for unlawfully and knowingly living wholly or in part on the earnings of prostitution, the Crown alleged that certain Soho flats which would normally carry a rent of £3 to £5 a week were let to individual prostitutes at rents as high as £25 a week. In addition, it was alleged, the

³ Disorderly Houses Act, 1751.

⁴ Section 33.

⁵ 'Prostitutes: their Early Lives.' League of Nations, Geneva, 1938.

⁶ *Per Wills J. Singleton v. Ellison*, 1895. 1 Q.B. 607.

⁷ 1955. 3 W.L.R. 657.

⁸ *R. v. Silver*, 1956. 1 W.L.R. 281.

women had to pay £200 key money. From the 24 flats involved in the case, it was alleged that rents totalling £26,000 a year were paid by the women. There was no evidence that any of the defendants were living with or habitually in the company of any of the prostitutes or had exercised control, direction or influence over the movements of any of them. The Court held that the landlords and estate agents were living on their own earnings and *not* on the earnings of prostitution.

PROCURATION

The law has always regarded procuration as a particularly vicious crime, and it is an offence to procure a woman or girl to become, in any part of the world, a common prostitute, whether by threats, false pretences or force.⁹

HISTORY OF PROSTITUTION

The appearance of women openly soliciting in the streets arouses strong demands for the suppression of prostitution.¹⁰ A glance at history reveals the aptness of Lecky's comment: 'She remains while creeds and civilizations rise and fall.'¹¹

In Eastern religions, among the ancient nations, with the exception of the Jews, prostitution appears to have been connected with religious worship. Toleration at times overflowed into positive encouragement.¹² In Phoenicia, Assyria, Chaldea and Persia the worship of the gods consisted of the most extravagant sexual orgies. To the latter-day commentator they appear to have been merely centres of vice vested with transparent trappings of religious observance. In the name of the goddess Mylitta, some degree of prostitution seems to have been compulsorily imposed in Babylon.

The Jews stood apart from the surrounding peoples. Preservation of purity of the race and religion was the object of the Mosaic Law. Exhortation to fathers not to prostitute their daughters 'lest the land fall to whoredom and the land become full of wickedness'¹³ abound. However, regulations were not always obeyed. Jephthah the Gileadite¹⁴ was a mighty man of valour and he was the son of a harlot. Abundant evidence exists in the Old Testament to prove that prostitution prevailed extensively in Palestine even in the more puritanical days.¹⁵ The women

⁹ Sexual Offences Act, 1956. Sections 3, 4, 22 and 23.

¹⁰ Letter to *The Times*, 27th October, 1958.

¹¹ Lecky. 'History of European Morals from Augustus to Charlemagne', 1861.

¹² *Encyclopaedia Britannica*, Vol. 18. Prostitution; authorities cited thereunder.

¹³ Leviticus, 19, 29.

¹⁴ Judges, 11, 1.

¹⁵ *Encyclopaedia Britannica*, Vol. 18. Prostitution; authorities cited thereunder.

infested the waysides. In the later period, the increase in licentious indulgence which Moses foresaw took place, although many of the prostitutes were foreigners and thus beyond the Mosaic Law.

In ancient Greece, regulations were designed by the Laws of Solon to preserve public order and decency. Houses of prostitution were established as a state monopoly, and were allowed only in certain parts of the cities. The Dictyriades were forbidden to enter the superior parts of the town, and were marked out by wearing, under compulsion, a distinctive dress. Far from having religious connotations as in Persia, they were forbidden to take any part in religious services. Strict laws have a curious way of gradually becoming relaxed and in ancient Greece this was no exception.¹⁶ In an attempt to suppress the Dictyriades again after the Persian wars, more stringent regulations were once more introduced, and they were placed under police control. The women were liable to prosecution for such offences as ruining youths, committing sacrilege and treason against the state. Not all the women were the same grade of prostitute. The Greek Hetaerae were not mistresses, yet were known to wield wide and overt influence as gifted and brilliant members of their class. The Athenian authorities found it impossible to administer any effective regulations against them. In certain other Greek cities, extreme licence prevailed. Corinth was famous for the sensual practices connected with the temple, ostensibly established in honour of Aphrodite, but also much frequented and enjoyed by sailors when in port.

The Greek regard for public decency and the Jewish desire to preserve the purity of race were wedded in the Roman outlook. Female chastity was highly honoured in the early days, and an austere standard of behaviour upheld in order to preserve such an institution as the vestal virgins. Prostitutes were severely regulated, and a code of conduct outwardly accepted among men whereby it was considered disgraceful to frequent their company. The police regulations of the present time in many European countries trace their origins to the later days of the Republic. Prostitutes were required to register at the aediles' office, and in return for the payment of tax received a licence. The registration meant that the women's names were never erased. Further, so that they might be marked out from their virtuous sisters, they were compelled to dye their hair, or wear yellow wigs. Yet although the Romans were prepared to uphold their strict outward standard of morality, their ease and luxury is legendary¹⁶ and the profligacy of imperial Rome has never been surpassed.

With the onset of Christianity a change took place in the attitude towards prostitutes. A more charitable outlook prevailed. Anastasius I

¹⁶ *Encyclopaedia Britannica*, Vol. 18. Prostitution; authorities cited thereunder.

in the fifth century destroyed the old registers, and in the following century Justinian abolished many civil disabilities. Justinian married Theodora—notorious before marriage, faithful and virtuous afterwards. Gibbon¹⁷ gives her credit for the ‘most benevolent institution of Justinian’s reign’, *i.e.* the rescue home for women at Constantinople. Gibbon also attributes all Justinian’s earlier acts to his desire to marry Theodora. Great stress was placed upon chastity by the early Christian Church. Yet its attitude towards prostitutes was that of charity—the need for repentance being continually stressed.

In the middle ages the rise of chivalry encouraged an outlook of idealization of woman as a perfect object for valour. At the same time the Crusades with their Christian fervour inspired vigorous campaigns and even rescue missions. Nevertheless prostitution flourished. It was reported that ‘noblemen’s daughters were prostitute to every common soldier.’¹⁸ In London, rows of bordells or ‘stews’ were set up in the Borough, near London Bridge. According to John Noorthouck, they were originally licensed by the Bishop of Winchester and subsequently sanctioned by Parliament. In 1161, during the reign of Henry II, regulations settled the rent which the women had to pay for their rooms. The act was confirmed in the reigns of Edward III and Richard III. The Lord Mayor of London, William Walworth, owned the bordells in 1383, and farmed them out. They were closed in 1506 but re-opened until 1546, when they were abolished by Henry VIII. The main aim of the regulations was probably to prevent the spread of venereal disease, for the Act of 1161 forbade bordell keepers to have women suffering from ‘the perilous infirmity of burning’.¹⁹

Throughout the last few centuries, Western European prostitution has undergone essentially the same evolution. Prostitution is an urban problem, its precise character largely depending on the size of the town.²⁰ Medieval European cities, *e.g.* Paris, Vienna and Cologne, were populated by resident prostitutes in bordells. They were itinerant, attracted like camp-followers to the temporal and spiritual armies that swept to and fro like actors across the continent, now waging wars, now fulfilling religious vows.²⁰ Prostitution was tolerated, but regulated and controlled. For a short period during the nineteenth century, some attempt was made in England to control and regulate it severely, but such action was short-lived. The Contagious Diseases Prevention Act, 1864, provided for the compulsory medical examination of prostitutes. Those found affected with

¹⁷ Gibbon. ‘Decline and Fall of the Roman Empire.’

¹⁸ Burton. 1651.

¹⁹ *Encyclopaedia Britannica*, Vol. 18.

²⁰ Abraham Flexner, 1914. ‘Prostitution in Europe.’

venereal disease were detained in hospital. The Act applied to eleven named garrison towns, increased to eighteen in 1869. This legislation roused Josephine Butler to campaign against the 'double standard'—a remarkably effective cry, which can still be heard volubly today whenever any legislation is mooted which has the appearance of discrimination against women. A Royal Commission investigated the question in 1871, and a Select Committee did the same in 1879. Majority Reports were in favour of the Acts. However, in 1883, the House of Commons passed a resolution condemning the medical examination of women. Effectively, this meant a refusal to vote money from the Consolidated Fund for the further implementation of the Acts. Therefore the system immediately stopped and in 1886 the Acts were formally repealed.

PUBLIC OPINION TODAY

The present outcry against blatant solicitation by women is widely heard. The manner in which women actually solicit varies according to individual temperament, the amount of previous 'business' done, or even the time of day.²¹ Frequently there is no active solicitation or accosting at all. The women merely stand quietly in some doorway, often dressed in a manner likely to attract attention. The legislation administered in these circumstances is not aimed merely at solicitation, but at prostitution itself.

RECOMMENDATIONS OF THE WOLFENDEN COMMITTEE

The Wolfenden Committee made specific recommendations regarding the requirement to establish 'annoyance' to the inhabitants or passengers in regard to soliciting for prostitution. 'The standard of proof of annoyance required by the courts seems to have varied from time to time and from place to place, but at the present time it would appear that the courts are, generally speaking, content to infer from the circumstances of the case that annoyance has been caused. Experience has shown that men solicited by prostitutes almost invariably decline to give evidence. Usually the prostitute pleads guilty, but if she does not the courts are usually prepared to accept the evidence of a police officer who witnessed the offence, to the effect that a person or persons accosted appeared to be annoyed.'²² The Committee then recommends that the law at present in force in England and Wales be reformulated so as to eliminate the requirement to establish annoyance.

²¹ Memorandum of evidence of the Howard League for Penal Reform to the Wolfenden Committee.

²² Report of the Committee on Homosexual Offences and Prostitution, 1957. Cmdnd, 247. Paragraph 251.

I would join issue with the Wolfenden Committee on this recommendation. It is contrary to the legal principle of the presumption of innocence. When I was interviewing prostitutes in the Bond Street-Savile Row area prior to giving evidence to the Wolfenden Committee, Clara said to me ²³: 'If the police have it in for you, the only thing to do is to pay up and not be difficult. One of my friends pleaded "not guilty" and next night she was taken up three times. The following day, at Bow Street, she paid 40/- in Court I and then went and paid 40/- in Court II.' Contrary to the recommendations of the Committee I believe that a proviso should be inserted in the present Acts to the effect that the offence of soliciting shall not be found to be proved without the evidence of one or more of the persons alleged to have been annoyed.

The Committee recommends that consideration be given to the possibility of introducing more widely the more formal system of cautioning prostitutes which is in force in Edinburgh and Glasgow.²⁴ Also that consideration be given to the practicability of extending the practice of referring to a moral welfare worker particulars of a prostitute cautioned for the first time. In Glasgow, when a woman is brought in for prostitution for the first time, her name and address are then forwarded to the Glasgow Women's Help Committee and attempts are made by that organization to assist her. The Committee also recommends a progressive increase of higher penalties for repeated offences.²⁴

The need to differentiate between the first offender and the 'old hand' is obvious. When interviewing Kathleen,²³ I was informed: 'The first time at Court is a day which every business girl remembers, and that is the day when she must be stopped.' The wise use of that first Court appearance would be much more effective than cautioning. The Committee recommends that Courts be given explicit power to remand, up to three weeks in custody if need be, prostitutes convicted for the first or second time in order that a social or medical report may be obtained.²⁵ This depends upon the interest and strength of a particular Bench. Much more effective would be an enactment that every prostitute when first convicted should be sent to a special remand home for 14 days and, if then thought a proper case, to a special rehabilitation centre in the country for one to three months, so that her history and circumstances may be fully considered by trained social workers.²⁶

²³ Unpublished manuscript of J.G.H., 1955.

²⁴ Report of the Committee on Homosexual Offences and Prostitution, 1957. Cmnd, 247. Paragraph 270.

²⁵ Report of the Committee on Homosexual Offences and Prostitution, 1957. Cmnd, 247. Paragraph 280.

²⁶ Memorandum of evidence of Society of Labour Lawyers to the Wolfenden Committee.

The term 'common prostitute' should be abolished. A policeman in the case of a charge of larceny does not begin his evidence by saying, 'I saw the accused, whom I know as a thief, walking along . . .' and we know that prostitutes strongly resent this anomaly.²⁷

A higher rate of fines would be in keeping with modern financial trends. Presumably the client would pay a higher price to cover this contingency. For a third or subsequent offence the Committee recommends²⁸ that the maximum penalty should be three months imprisonment. This seems a quite hopeless way of dealing with a phenomenon which has existed since time began. The recommendation is made at a time when the Prison Commissioners continually issue in their yearly reports²⁹ a plea against short sentences of imprisonment, which achieve nothing.

While everything should be done to seek out and dissuade new entrants, the 'old hands' should not be harried. To do this merely drives prostitution underground and widens and hardens the periphery of undesirable organizers. To reduce street solicitation to a reasonable minimum, an effective method would be to instruct police to ignore discreet advertisements concerning 'introduction services' and of photographic models, masseuses, manicuresses, etc., with telephone numbers. The question is essentially one of method. Repression in one field has its consequences in another. A lawyer drafting Parliamentary legislation today might usefully remember the age-long story of the failure of his predecessors to deal satisfactorily with prostitutes by legal methods.

CONCLUSION

The layman, seeing the problem, recognizes the ideal approach of 'men can refrain; the state must do nothing to make indulgence easier'.³⁰ Thereupon he demands that the lawyer drafts suitable legislation. Although 'the law is plainly concerned with the outward conduct of citizens in so far as that conduct injuriously affects the rights of other citizens',³¹ yet the ambivalent attitude of public righteousness and private indulgence makes prostitution first and foremost an ethical and social problem.

²⁷ Memorandum of evidence of Society of Labour Lawyers to the Wolfenden Committee.

²⁸ Report of the Committee on Homosexual Offences and Prostitution, 1957. Cmnd, 247. Paragraph 275.

²⁹ Report of the Prison Commissioners. England and Wales, 1957.

³⁰ Abraham Flexner, 1914. 'Prostitution in Europe.'

³¹ Report of the Street Offences Committee, 1928. Cmnd 3231.

PROSTITUTION : REPORT FROM AUSTRALIA

BY JOHN VINCENT BARRY (MELBOURNE)

INTRODUCTION

A brief description of the constitutional organization of Australia is necessary for an understanding of the machinery of legal control and of the dearth of criminological information compiled on a national basis. As a nation, Australia is a Commonwealth consisting of six States which, under the Commonwealth of Australia Constitution Act, 1900 (63 and 64 Vic. c. 12), became an 'indissoluble Federal Commonwealth'. Ranked in order of population, these States are New South Wales (3,689,000), Victoria (2,741,000), Queensland (1,417,000), South Australia (896,000), Western Australia (705,000), and Tasmania (335,000). Surrendering to the Commonwealth the power to make paramount laws only with respect to certain specified matters, the States retained general jurisdiction over the criminal law and over what is known as the 'police power' to enact legislation designed to maintain and preserve the security of the social order, the comfort and convenience of the public, and the enjoyment of private and social life. Thus the control of prostitution and related matters within its territorial limits is primarily the concern of each State, and the relevant laws are enacted by the Parliament of the State. However, the Commonwealth possesses full authority in its own territories, which consist of the Australian Capital Territory (pop. 41,000), where the national capital, Canberra, is located, the Northern Territory (pop. 19,500), portion of New Guinea, and Norfolk Island and Nauru.¹ Moreover, the Commonwealth controls immigration into Australia and by virtue of Section 3 (gc) of the Commonwealth Immigration Act 1901-1949 the entry of any prostitute, procurer or person living on the prostitution of others is forbidden, and under Section 8A (1) the Minister is empowered to order the deportation, within five years of his arrival, of a migrant if the Minister is satisfied he is living on the prostitution of others.

In the ordinary course of administration, all States compile some statistics and gather some information concerning criminal and sociological matters, but their systems are not identical and suffer in any event from

¹ Population figures in this article are approximate, and are drawn from *Demography*, 1956, Bulletin No. 74, and *Australian Demographic Review*, No. 96 (Oct. 1958), Commonwealth Bureau of Census and Statistics, which give the precise figures.

the defects that always limit the usefulness of criminal statistics. The Commonwealth Bureau of Census and Statistics publishes valuable material relating to public justice, and to demographic, educational and economic matters, but with criminological subjects the ambit of its operations is restricted by a variety of factors, such as absence of uniformity in the statistical and classification methods of the States and some differences in legal terminology. As a result, a notoriously difficult task is made even harder, and the scantiness of accessible materials greatly increases the obstacles in the way of presenting verified conclusions concerning aspects of female prostitution in Australia as a whole.

More than half the population of approximately ten millions is concentrated in the State capital cities of Sydney (1,900,000), Melbourne (1,700,000), Brisbane (550,000), Adelaide (520,000), Perth (370,000), and Hobart (100,000). The pattern of social organization is remarkably similar in all of these cities, but, as might be expected, the social maladies associated with large urban congregations are much more significant and extensive in Sydney and in Melbourne. Sydney is the most cosmopolitan of Australian cities, and according to the firmly cherished but perhaps misguided belief of the rest of Australia, a good many of its citizens exhibit a casualness in morals and an aggressiveness in outlook more pronounced than is the case elsewhere in the continent.²

LEGAL CONTROLS

Australia does not suffer from the lack of legal prohibitions directed against overt manifestations of prostitution. Each State has enactments dealing with vagrancy, and with crimes and summary offences connected with prostitution in its various aspects. Originally these were largely adoptions of English statutory prototypes described in Part III of the Report of the Wolfenden Committee, but in recent years some States, while retaining the basic concepts, have added or substituted provisions devised locally. As in England, prostitution itself is not an offence, but it is an element in a variety of offences. There is no statutory definition of the frequently used expression 'common prostitute', but the High Court of Australia has declared authoritatively that a common prostitute is a woman who carries on the trade or business of prostitution by submitting herself to men for the purposes of gain, or more briefly, a woman who indiscriminately consorts with men for hire.³

The laws are primarily concerned with the social consequences of

² Compare Frank Clune, 'Scandals of Sydney Town' (Sydney, 1957) ; Cyril Pearl, 'Wild Men of Sydney' (London, 1958).

³ *Skinner v. The King* (1913), 16 Commonwealth Law Reports 336.

prostitution and not with the immorality or sinfulness of the illicit and conventionally disapproved sexual act, and hence neither the woman nor her customer is criminally liable merely on that account. Initially, the enactments, based on the English vagrancy legislation, were (and still are) designed to prevent breaches of public order, decency and decorum, and to outlaw places where disorderly people are likely to congregate and hatch mischief. A later social awareness resulted in legislation directed against the spread of venereal diseases and the abuse of immature or vulnerable females for the purposes of prostitution. Limits of space permit only a summary description of the range and nature of the laws. Public soliciting, accosting or importuning are offences, as is indecent or offensive behaviour in a public place; the keeping and managing of bawdy houses, and living by males on the earnings of prostitution, are punishable by imprisonment for a term of not more than two years. These and kindred offences are triable summarily by magistrates. The procuring of carnal connection and abduction, and the use of drugs and the forcible detention of females for purposes of prostitution are indictable offences. Landlords are authorized to terminate tenancies where premises are used as brothels, and in certain events must do so to avoid the offence of aiding and abetting. In New South Wales there are provisions relating to disorderly houses which enable a 'quarantine' order to be obtained from the Supreme Court which permits the police to enter without warrant and has the practical effect of isolating the 'declared' premises.⁴ There is no obligation to prove 'annoyance' in a prosecution for soliciting, importuning or accosting. Until 1940 the penalty for these offences in Victoria was a fine of £5 or up to one month's imprisonment, but in that year an increasing scale of penalties of the kind recommended by the Wolfenden Committee (Report, para. 275) was introduced. The legislation has recently been consolidated in the Police Offences Act, 1957 (Victoria) and Section 28 is as follows:

'Any common prostitute who:

- (a) importunes any person being in or on any public place or within the view or hearing of any person being or passing therein or thereon; or
- (b) for the purposes of prostitution solicits or accosts any person being or passing in or on any public place or loiters in or on any public place shall:
 - (i) upon conviction for such offence, be liable to a penalty of not more than Five pounds or to imprisonment for a term of not more than one month; and
 - (ii) on a second conviction within a period of twelve months, be liable to

⁴ Compare Police Offences Act, 1957 (Victoria) Section 81; Disorderly Houses Act, 1943 (N.S.W.).

a penalty of not more than Ten pounds or to imprisonment for a term of not more than three months ; and

- (iii) on a third or subsequent conviction within a period of twelve months, be liable to a penalty of not more than Twenty pounds or to imprisonment for a term of not more than six months.'

Where a female is convicted of soliciting or certain other offences, the Court may refrain from imposing a penalty if she consents to enter an approved private charitable reformatory institution for a period of not more than twelve months, and may make an order accordingly (Section 31). First enacted nearly seventy years ago, this provision remains on the statute book, but experienced magistrates have no recollection that it has ever been used. Various statutory presumptions facilitate the proof of offences. The laws of all the States follow a well-known pattern, and although they often embody local legislative experiments, they are merely variations on familiar themes. They are comprehensive, detailed and adequate, and if punitive legal provisions were enough to eradicate a social evil, there should be no prostitution in Australia.

ENFORCEMENT ATTITUDES

The enforcement of the laws is mainly in the hands of police who are well trained and well organized. Each State police force has a vice squad whose function is to institute prosecutions for offences relating to prostitution and disorderly behaviour. Policewomen visit hotel lounges and places of temptation and make it their business to detect tendencies to waywardness and disorderliness in immature females. Brothels are not licensed in any State, and, as elsewhere, the existence of houses of ill-fame depends upon the extent to which they are tolerated by the authorities. In Melbourne, until the early 1930's, the 'red light' district was Little Lonsdale Street, in the heart of the city. Part of this once seedy street was lined with small and decrepit shops, but the wares actually vended were very different from the frowzy articles displayed in the windows. In each doorway sat a solitary female ready to oblige customers at a very moderate tariff. Her legal immunity depended on *Singleton v. Ellison* (1895) 1 Q.B. 607, 'the harlots' charter', which decided that premises occupied by one female only did not constitute a brothel. A by-law of the City of Melbourne put an end to this method of open but sedentary solicitation.⁵ At one time, too, street-walkers patrolled Collins Street, the city's most dignified thoroughfare, but this was stopped in the 1920's by vigorous police action.

Prostitution is largely a big city problem, and police toleration has

⁵ *Williamson v. City of Melbourne*, 1932, Victoria Law Reports, p. 444.

varied from city to city and from time to time, and is to be understood in the light of historical developments and local circumstances. Sydney and Melbourne are long past the frontier days; Adelaide and Hobart, exempt from the gold rushes, never really knew them, but Brisbane and Perth still retain some frontier characteristics. In Western Australia and in Queensland the brothel is outlawed, but in Perth, W.A., until recently, some brothels were tolerated, and in Brisbane still are. There were ten known brothels operating in a confined area in Perth, and four in the gold mining town of Kalgoorlie. Local opinion accepted them, rationalizing this acceptance by the claim that their existence was responsible for the very small number of sexual attacks on respectable women. It is understood that official toleration has now ended.

Under Queensland law the keeping of bawdy houses is specifically prohibited, but in Brisbane for many years there have been four houses operating under strict supervision. Their existence is a matter of public notoriety, so that a reference to 'going to Albert Street, or Margaret Street, or Nott Street, or Montague Road' needs no explanation. Almost as a matter of routine, they are raided once or twice a year, and the proprietors are prosecuted and fined. Liquor may not be consumed in these establishments, and the women are required to present themselves regularly for medical examination, and in practice attend each Thursday at the Health Clinic. Incidentally, this requirement of the law of Queensland (Venereal Diseases Regulations, 1945, Reg. 9) is considered to be inconsistent with Article 6 of the U.N. Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, and is the reason why Australia is not a party to that Convention. In the more tropical towns north of Brisbane, and particularly in the sugar cane areas where the population contains, as a result of immigration, a substantial proportion of males from southern Europe, there may also be police toleration, but as to this, reliable information is lacking.

SOCIAL FACTORS

While it is, of course, reprobated by respectable opinion, and from time to time engages the attention of the Legislatures, prostitution does not seem to have given rise to sustained public indignation. In the days of convict transportation it was common, as it was, too, during the gold rushes. The need to provide for the relaxations and entertainment of men from the inland, eager on their periodical visits to the big cities to make up for the asperities of pioneering and isolation from urban amenities, was met by establishments, sometimes discreet and sometimes not. Incidentally, the importance of these 'houses' in the Australian social pattern

of the past has not been fully recognized by Australian historiographers. Despite the avowed censoriousness of the times, a double standard of behaviour was more readily permitted than it is now and the establishments were patronized by men in the public eye. Cyril Pearl has recently provided a lively account of Melbourne's bawdy houses in the closing decade of the last and the opening decade of this century.⁶ Legend has it that the lost mace of a State Parliament was taken to an exclusive 'house', and there are other stories concerning the diversions of prominent citizens. Although occasionally there were anti-vice crusades, righteous indignation does not seem commonly to have affected public attitudes to a very marked extent; while diligent enough, police authorities in the past seem to have exerted no more than the officially required amount of vigour in dealing with prostitution when it was not immediately connected with criminal activities, and even the courts at times exhibited a tolerant ingenuity in interpreting or applying legal prohibitions.

As might be expected with a predominantly British people, social organization in Australia is modelled largely on that of England, but in common with the rest of the world during recent years the way of life has been increasingly influenced, for good and ill, by ideas and developments from the U.S.A. Sexual patterns have proved no exception. The broad descriptions given by Walter C. Reckless of American prostitutes are applicable in the large Australian cities. Reckless classifies them as the brothel prostitute, the call-girl prostitute, the street or public prostitute, and the unorganized professional prostitute.⁷ Increasing employment of women in industry, the housing shortage, the automobile, the elimination of gross poverty and the relief features of the Welfare State, have combined to alter the superficial characteristics of prostitution. Even when houses were easily rented, bawdy house proprietors and their staff were constantly on the move, for except in slum areas complaints by neighbours meant that they did not long escape police attention. Shortage of housing accommodation has resulted in greater difficulty in obtaining premises and the nocturnal arrival and departure of customers by car makes a discreet existence impracticable. The standard of living is high, and full employment and social services have removed poverty as a precipitating factor, and it may be said, broadly, that females who are prostitutes in Australia are such because they prefer to live that way, or at least are indifferent to what others might regard as the degrading features of their occupation. The Wolfenden Committee's impression (Report, para. 223) that 'the great majority of prostitutes are women whose psychological make-up is

⁶ Cyril Pearl, 'Wild Men of Sydney' (London, 1958), pp. 201-8.

⁷ 'The Crime Problem' (2nd ed., New York, 1955), p. 271.

such that they choose this life because they find in it a style of living which is to them easier, freer and more profitable than would be provided by any other occupation' is as true of Australia as it is of England.

Aided by immigration, the Australian population is increasing at the rate of about 210,000 a year. It is difficult to form any satisfactory conclusion concerning the extent of prostitution and whether there is any disproportionate increase. As the Wolfenden Committee pointed out (Report, para. 230), because of variables police statistics cannot be regarded as a reliable guide, but the following table for Victoria compiled by the police authorities suggests there may be some rise.

PROSTITUTION

Offence	Year	Number reported	Cases cleared up	Action taken			
				Arrests		Summons	
				Males	Females	Males	Females
Keeping of disorderly houses or brothels	1955	29	29	1	3	—	27
	1956	72	72	9	15	—	48
	1957	122	122	5	27	3	88
Male person living on earnings of prostitution	1955	15	13	13	—	—	—
	1956	12	12	12	—	—	—
	1957	16	16	7	—	4	—
Prostitute behaving in an indecent manner	1955	4	4	—	4	—	—
	1956	1	1	—	1	—	—
	1957	2	2	—	3	—	—
Soliciting prostitution, loitering, etc.	1955	313	313	—	103	—	210
	1956	277	277	—	115	—	162
	1957	443	443	5	149	2	288
Prostitution—aid and abetting	1955	—	—	—	—	—	—
	1956	11	11	—	—	—	11
	1957	5	5	2	—	1	—

Note as to the year 1957: For the first time these figures give the actual number of individuals arrested or proceeded against by summons, subject to the following:—

(1) If an offender is arrested for one offence and subsequently charged with additional offences, then only one arrest is recorded, and the additional charges are recorded as 'cleared up'.

(2) If a number of offenders are arrested for one offence then all the offenders are recorded as 'arrests' and the offence is recorded as 'cleared up'.

(3) Offences committed in previous years, which were cleared up in 1957, are recorded as offences 'cleared up' and the arrests are recorded, but the offence is not included in the number of offences reported.

Informed persons consider that the street-walker is disappearing, but that the number of 'call-girls' is on the increase. While there must be, of course, some organized prostitution, it is not thought to be of significant proportions, and so far as the indigenous population is concerned, the police have it well under control. There is some ground for believing

that it exists for southern European males who have come to Australia in large numbers under the post-war immigration programme. These men tend to congregate in racial groups, often in inner or slum areas in the cities, and as they are mainly labourers who retain their national languages and customs, assimilation is slow. In the over-all Australian population there is a slight preponderance of the male sex; in 1956 the proportion was 102·72 males to 100 females, but in the southern European minority groups the males substantially exceed females. In many instances a migrant comes to Australia intending to save enough from his earnings to bring out a girl to marry or a wife he has left behind. Language as well as other barriers discourage social intermixture with Australian women. Heterosexual satisfactions are thus accessible to these migrants only on a commercial basis, and it is believed that the operation of the law of demand and supply has led to the provision of them. According to some accounts, when men are employed upon large construction projects in remote country areas, a mobile bordello may be provided in the shape of an automobile-drawn caravan. The proxenete, or procurer, is an unusual and despised phenomenon in Australian society, but it is quite possible that he exists to meet these migrants' needs. The dominant national sentiment is bitterly contemptuous of the pander, or pimp, who is known coarsely in the local idiom as a 'bludger'. Readers of realistic Australian novels should beware of giving this word its primary meaning, though, for while it originally meant a harlot's bully, and is still used correctly in that sense, its meaning has been extended to include any person who takes a profit without risk or liability or without effort or work.⁸ Instances of this traffic among migrants are unlikely to come to the notice of the police except where it is discovered in the course of other investigations, *e.g.* as part of the background of violent crimes, and language difficulties and racial loyalties make it far from easy for the authorities to obtain information or to maintain successful prosecutions. If a migrant is convicted of procuration or of living on the earnings of prostitution, the Commonwealth Government deports him to his country of origin whenever it is possible to do so.

Prevention of Disease. All States have legislation for the control of venereal disease, and provide facilities for treatment. Since the introduction of antibiotics, the police authorities consider that venereal disease has ceased to be a significant problem.

Juveniles. Investigations of cases of incorrigible girls brought before the Children's Courts disclose that promiscuity is often a feature, but it is considered that sexual waywardness is usually a symptom of the emotional

⁸ S. J. Baker, 'The Australian Language' (Sydney, 1945), p. 124.

disturbances resulting in the exhibition of delinquent behaviour. In 1956, an investigation in Victoria into juvenile delinquency revealed that a large proportion of female juvenile offenders came from sub-standard homes, but that there was no evidence of any criminal adult organizations using juveniles or training them for the commission of crime.⁹

Re-education Measures. From the governmental standpoint, prostitutes have not been sufficiently numerous to constitute such a grave social danger as to render it necessary to adopt methods of re-education or rehabilitation. In Australia, as in other countries, most professional prostitutes achieve some degree of maturity in the course of time and adjust to society's requirements, usually finding a place in society as married women.

Male Soliciting. There is no evidence that soliciting by male homosexuals is a problem of any magnitude. Persons guilty of such conduct may be prosecuted under provisions dealing with offensive or indecent behaviour, or under the established (but erroneous) interpretation of sections modelled on Section 1 (1) (b) of the English Vagrancy Act, 1898.¹⁰

CONCLUSION

While the real extent of prostitution in Australia cannot be ascertained, the police authorities do not regard its manifestations as a social evil of dangerous magnitude, and informed persons concur in this estimate. Legal prohibitions are extensive and punitive sanctions are adequate, and the laws are in the main sensibly administered.

Except in very rare instances, coercion, whether exercised physically or psychologically or resulting from economic circumstances, is not a significant factor. It is surmised that if a competent investigation were undertaken, it would reveal that in the overwhelming majority of cases, prostitutes have embraced their mode of living because of their personal characteristics rather than from economic necessity, and that an almost constant feature of their personalities would be shown to be abnormal egocentricity, varying from mere emotional indifference to genuine psychopathic states. Probably the hard core would be revealed as belonging to the idle and disorderly class found, historically, in 'flash' houses and thieves' kitchens, the female consorts of the 'sturdy beggars and wild rogues' who 'once taxed the forces of law and order in England to the uttermost'.¹¹ Others would be discovered not really to be lawlessly inclined but to be females in whom for some reason the acquired sentiment of modesty has not

⁹ Report of the Juvenile Delinquency Advisory Committee (Government Printer, Melbourne, 1956), pp. 51, 54.

¹⁰ See Wolfenden Report, para. 238; article, 'Male Person Soliciting for an Immoral Purpose', *Australian Law Journal*, Vol. 24, p. 54.

¹¹ *Ledwith v. Roberts* (1937), 1 K.B., pp. 269-271.

developed and who, lacking fastidiousness, find nothing repulsive, or at least nothing sufficiently so, in commercialized sexual promiscuity. No single and comprehensive biological or psychological explanation satisfactorily accounting for prostitution is ever likely to be formulated, any more than there is for conduct stigmatized as criminal. But carried far enough, such an enquiry might show that there is a good deal to support C. H. Rolph's notion that so far as vulnerability to prostitution is concerned, a basic causative factor in most cases may be found in early childhood, and may reside in unsatisfactory parent-and-child relationships, and that a constructive effort towards the solution of this, as of other aspects of delinquency, may lie 'in happy homes and the manifold securities to be found in them'.¹²

As in England and the U.S.A., prostitution in Australia is a problem, but it is a problem obviously of a different kind from what it was in days gone by. Australian communities have adopted much the same approaches as are found in other countries influenced by the Puritan tradition. Prostitutes, like criminals, are generally society's scape-goats; they are the product of morbid aberrations of desirable social processes. The indignation which is excited by the delinquent's refusal or inability to conform to the minimal accepted conventions is expressed in prompt recourse to punitive measures. Punishment is a necessary part of the mechanisms of social control, and the concept on which it rests is reasonable enough, but the ways in which the concept has been misapplied have stained the pages of human history with blood and with tears and, comparatively speaking, have done little to correct the mischiefs. The seeming obduracy of the minor delinquent is frustrating and exasperating, but it is now plain that the correction of delinquency requires something more than and different from mere punitive deterrence sporadically and haphazardly applied. The eradication of prostitution cannot sensibly be regarded as an end in itself, to be achieved by self-defeating punitive methods; it can be brought about only if measures to remove it are seen as part of an intelligent programme of social betterment.

¹² C. H. Rolph (ed.) 'Women of the Streets' (London, 1955), p. xv.

PREDICTION METHODS AND YOUNG PRISONERS

By SIR GEORGE BENSON (LONDON)

Very little is known about the comparative effects of different kinds of penal treatment on offenders. Claims are made for the various kinds of treatment, but they are seldom based on anything more reliable than the opinions of persons who, because their emotions are engaged, may be biased in one direction or another.

The only measure of the success of treatment which at present has any scientific value is the length of time elapsing before reconviction, or what amounts statistically to the same thing, the occurrence or absence of reconviction after a given period of discharge. In comparing such rates of reconviction for two different forms of treatment it is necessary to correct, as far as possible, for relevant differences between the offenders dealt with in the two ways. To carry out this correction or standardization is one of the main objects of the type of criminological research known as the prediction study.

Hitherto prediction studies have dealt with only one form of treatment, and the problem of using them to compare the results of differing forms of treatment has not, so far as I am aware, been discussed in any publication. The problem is one of some technical difficulty. In this article an attempt has been made not to solve the technical problems, but to bypass them by comparing two forms of treatment for which the same prediction formula (the Mannheim-Wilkins Borstal formula¹) seemed likely to work equally well; viz. Borstal training and imprisonment in a young prisoners' centre. There were good *a priori* reasons to expect the same formula to apply, for the ages and backgrounds of the offenders were very similar.

With these considerations in mind, I approached the Prison Commissioners for access to information necessary to apply the Borstal predictors to Y.P.'s (young prisoners aged 16 to 21). They readily gave consent and by the kind co-operation of the Governor of Lewes Prison, I was supplied with the relevant background data for 300 youths discharged from Lewes in 1952.

The main difference between youths sent to Borstal and those sent

¹ See 'Prediction Methods in Relation to Borstal Training', by H. Mannheim and L. T. Wilkins. (H.M.S.O. 1955.)

to prison is that Y.P.'s are on the average two years older; approximately 80 per cent. of Y.P.'s are over 19 compared with about 30 per cent. of Borstal trainees. Their records are considerably worse.

Of the 300 records, a number had to be set aside for a variety of reasons, such as death, certification, doubt as to essential data, etc. In addition, all records showing convictions for drunkenness were rejected. In the Borstal research, drunkenness was given the very high weighting of 24, since nearly all such cases were failures. Conviction for drunkenness seems to be very much less serious in the case of Y.P.'s, probably because of their higher average age. To have included these cases would have tended to bias the comparison to the detriment of Borstal. It would, of course, have been possible to re-weight this predictor, and calculation suggests that a weight of 14 would have been appropriate. But on the whole it seemed advisable to reject such cases. Finally, after all exclusions, a sample of 262 was left.

It was, however, necessary to make one adjustment to the predictors. In the Borstal prediction table, a weight of 8 was given for a previous sentence of Approved School or imprisonment, and also for two previous sentences, one of Approved School and one of imprisonment. But an appreciable number of the Lewes records showed sentences of Approved School, Borstal and imprisonment. It seemed that some allowance must be made in the predictors for this triple combination. So, following Mannheim-Wilkins as closely as possible, a weight of 8 was retained for any one or two of these sentences, and a weight of 16 for a combination of all three.

The following table gives the Borstal predictors as modified for Lewes:

TABLE I

Predictors for Imprisonment

Previous sentences—

Approved school	.	.	.	.	.	.	8
Borstal	.	.	.	.	.	.	8
Imprisonment	.	.	.	.	.	.	8
Any two of above	.	.	.	.	.	.	8
All three of above	.	.	.	.	.	.	16
Fine	.	.	.	.	.	.	9
Probation	.	.	.	.	.	.	4
Not living with parents	.	.	.	.	.	.	7.5
Industrial Index	.	.	.	.	.	.	8
Longest period in one job	.	.	.	.	.	.	0 to 11.9

Applying these predictors to the Y.P.'s and using the Borstal groups and group weightings we obtain the following table:

TABLE II
Lewes Y.P.'s

<i>Group</i>	<i>Weight</i>	<i>Success</i>	<i>Failure</i>	<i>% Successful</i>
A	0- 9.9	38	4	90
B	10-14.9	17	11	61
X	15-23.9	43	33	} 79
C	24-39.9	30	57	
D	40	4	25	34
				14
				} 30

For those not familiar with the Mannheim-Wilkins prediction table it should be explained that the expected success rates of the groups in Table II are:— A.7 out of 8. B.2 out of 3. C.1 out of 3. D.1 out of 8. The X group in the centre is unpredicted, in that the chances of success and failure are approximately equal. It will be seen from Table II that the result of classifying Y.P.'s on the Mannheim-Wilkins basis is that in each of the groups the success rate coincides surprisingly closely with the success rates in the Mannheim-Wilkins Borstal tables. The only conclusion to be drawn from this was that imprisonment in Lewes gave results as good as those of Borstal training, which are given in Table V. However, the Lewes population was not entirely a random sample, for cases which appeared to be less promising had been transferred to Stafford prison. Conversely, Lewes had received a number of the more promising Y.P.'s from Stafford. It was decided to check the Lewes results by a similar analysis of the Stafford population.

As in the case of Lewes, all records showing conviction for drunkenness were rejected, as also were ten sentences of 4 to 7 years, as they were outside the range of comparison. This left a final sample of 401. The results are given in Table III. It will be seen that the result is rather worse than that of Lewes; but this might have been expected from the selective allocation policy.

TABLE III
Stafford Y.P.'s Prediction Table

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
A	32	10	76
B	26	15	63
X	47	57	} 70
C	57	136	
D	2	19	30
			19.5
			} 28

Table IV is a combined prediction table for Lewes and Stafford, and thus deals with a random sample of Y.P.'s with sentences from three months to three years. It can be legitimately compared with the Mannheim-Wilkins Borstal table.

TABLE IV
Combined Stafford and Lewes Prediction Tables

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
A	70	14	83
B	43	26	62
X	90	90	} 74
C	87	193	
D	6	44	31
			12
			} 28

Table V is a combination of the original Borstal prediction and validation tables.

TABLE V
Combined Borstal Prediction Table

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
A	99	19	84
B	86	42	67
X	146	144	} 75
C	55	110	
D	2	23	33
			9
			} 30

It is very clear from the widely varying distribution between the different classes that the records of Y.P.'s are very much worse on the average than those of Borstal trainees. Table VI shows this compactly.

TABLE VI
Group Distribution in Borstal, Lewes and Stafford

	<i>AB</i>	<i>X</i>	<i>CD</i>
Borstal . .	34 %	40 %	26 %
Lewes . .	27 %	29 %	44 %
Stafford . .	21 %	25 %	53 %

It will be seen that the proportion of the Borstal sample falling into the AB groups was over 50 per cent. greater than that of the Stafford sample, while the proportion falling into CD groups is less than half. The Lewes distribution is slightly nearer to that of Stafford than Borstal.

However, the great advantage of a prediction table, which is valid for both forms of treatment, is that it enables us to compare their relative efficiency, and Tables IV and V make it clear that so far as results are concerned there is little or no difference between Borstal and imprisonment. If, however, the time factor is taken into consideration it would appear that imprisonment must be judged to be considerably more efficient than Borstal.

A Borstal sentence involves treatment for not less than nine months and not more than three years, with after-care which lasts until four years after sentence. The average period spent in Borstal institutions by the Mannheim-Wilkins sample was 17.7 months. Since then it has increased to over twenty months.

The Lewes and Stafford sentences varied from three months to three years. But prison sentences are subject to remission amounting to one-third, which may be forfeited owing to bad conduct. Actually, forfeiture of remission as a punishment was not used in Lewes, and only sparingly in Stafford. The amount forfeited was seldom more than a few days.

Table VII shows the result of sentences up to nine months in Stafford and Lewes. Allowing for remission the majority of cases included in the total actually served between two and four months; some served six months and only a tiny handful served a week or two more than six months owing to forfeiture of remission. The average period served would be about four months.

TABLE VII
Result of Sentences of Nine Months and Less, Stafford and Lewes

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
A	40	11	78
B	19	14	58
X	50	39	} 70
C	34	68	
D	—	8	33
			} 30

The AB group shows a combined rate of 70 per cent. as compared with 75 per cent. in the combined Borstal table, but in view of the small numbers involved (there are only 84 cases in the four AB cells) this variation is not statistically significant.

Table VIII gives the results of prison sentences of fifteen months to three years, which, allowing for remission, gives an actual period of ten months to two years imprisonment.

TABLE VIII
Sentences of Imprisonment, Fifteen Months to Three Years
Stafford and Lewes

<i>Group</i>	<i>Success</i>	<i>Failure</i>	<i>% Successful</i>
A	18	2	90
B	13	7	65
X	29	34	} 78
C	40	74	
D	3	22	35
			12
			} 31

This table covers Y.P.'s serving a net sentence strictly comparable to the period spent in Borstal. The only difference is that the Y.P.'s are subject to a very much shorter period of after-care. It will be seen that the AB group (78 per cent.) show a 3 per cent. better result than Borstal (75 per cent.). This variation, however, is not significant since only 40 cases occupy the four AB cells.

A comparison of the tables shows that, so far as the CD groups are concerned, neither the period of incarceration nor the type of institution seems to have any differential effect, the maximum variation being only 6 per cent. In the AB group there is a variation of 9 per cent. between the highest and lowest success rates. The lowest success rate of 70 per cent. for the AB group is in the negatively selected population of Stafford.

The high success rate of the positively selected Lewes group with an AB success rate of 79 per cent. is the complement of the low Stafford success rate. These variations cannot be regarded as statistically significant. The CD groups, which are all heavily held, show a maximum variation of 6 per cent. which may be regarded as extremely consistent. The general conclusion appears to be that Borstal training is no more effective than imprisonment and that short sentences of imprisonment appear to be as effective as long sentences of Borstal training.

Neither Stafford nor Lewes take Y.P.'s of less than three month's sentence, shorter sentences being served in local prisons. In order to investigate the effect of short sentences in prison, 100 records were obtained from Wormwood Scrubs. Unfortunately, all but a few had to be rejected for various reasons. The great majority of the 100 were those who had committed offences while on Borstal after-care. When convicted,

they received short sentences, generally of fourteen days, and were returned to Borstal for further training. London being a port, there were some stowaways, and there were also one or two cases of drunkenness. Finally, there were only eighteen left. The average length of sentence was about six weeks. The following table shows how they were classified by the Borstal predictors.

TABLE IX

	<i>Successes</i>	<i>Failures</i>
A	4	—
B	4	—
X	3	3
C	1	1
D	—	2

This table is interesting in that it shows that Borstal predictors discriminate, even for sentences of a fortnight. The numbers are too few to enable any conclusions to be drawn, but there is nothing which can give comfort to the believers in lengthy training.

Mannheim-Wilkins attempted to assess the effect of the differing lengths of Borstal training on success rates, but owing to cross correlations were unable to isolate the effect of the time factor. Judging by the Stafford and Lewes figures their failure may have been due not to the complexity of the problem, but to the fact that in looking for a relationship between length of training and failure or success, they were looking for a relationship which did not exist.

The conclusions to which this comparison of the results of Borstal and imprisonment point are certainly disturbing. I believe them to be valid. Nevertheless their validity depends, among other things, on the assumptions that (a) no material change in the Borstal prediction formula was necessary between the years 1946 and 1951; (b) there was no such general alteration in the conditions relating to crime and reconviction as would invalidate the comparison between Borstal boys discharged in 1946/7 and young prisoners discharged in 1951/2.

I believe that these assumptions are correct and that the result of the comparison makes it imperative that a far more rigorous investigation into the comparative results of Borstal and imprisonment should be undertaken as soon as possible.

NOTE

The inclusion of Y.P.'s with three or more institutional treatments in their previous records and attaching a weight of 16 to such combinations is not strictly permissible. On the other hand there were objections to eliminating them entirely, and the low weight of 16 was chosen as a precaution that there should be no bias against Borstal in the comparison.

In all there were 71 such cases; their average number of institutional treatments (Borstal, Approved School or imprisonment) was four. The Lewes group contained 25, and the Stafford group 46. Of the 71, 67 were failures. The following table shows the effect of eliminating them from the Stafford-Lewes table (No. IV).

TABLE X

*Stafford and Lewes Combined Table
Three or more Institutional Treatments Omitted*

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
A	70	14	85
B	43	26	62
X	90	89	
C	83	160	34
D	5	11	30
			} 74
			} 34

It would appear that a Y.P. prediction table should contain an additional group 'E', with a failure rate of about 18 to 1, to deal with records of delinquency not found among Borstal trainees.

Using the predictors given in Table I, the distribution of the 71 cases was as follows.

TABLE XI

Y.P.'s with Three or more Incarcerations

	<i>Successes</i>	<i>Failures</i>	<i>% Successful</i>
X	—	1	—
C	3	33	8.3
D	1	33	3

JUVENILE COURTS: THE JUVENILE'S POINT OF VIEW

BY PETER D. SCOTT (LONDON)

In discussing problems of juvenile delinquency, as Dr. Eileen Young-husband has said, 'one of the most important groups of all will unfortunately remain silent . . . yet they are the consumers of the service, the people at the receiving end, whose views as to the function and fairness of the courts are at least of some interest.'¹

It must not be expected that juveniles involved already in court proceedings could be easy subjects to investigate, nor that any very firm conclusions would be forthcoming, but an attempt such as this to record some of their experiences and attitudes to the juvenile courts seems worth while even if we only obtain a few hints rather than certainties.

The study was made in 1957 in a remand home for boys. The régime in this short-stay institution includes class-room activities familiar to all of them. They are frequently given free activity periods in which they may draw, paint or write. With the co-operation of the head teacher, Mr. T. A. M. Vaughan, it was arranged that classes should occasionally be given the following task: 'Today I want you to write about "What Happened to me in Court", don't put your name on the paper, just write whatever you like'—and that they should be left to get on with it without further discussion.

Clearly boys remanded in custody form a selected sample. Although their average intelligence is not much lower than that of other children of comparable social status, their verbal facility and educational attainment are usually very much retarded; each is under considerable stress, separated from home, wondering what will befall him when he goes back to court or to what sort of approved school he will be sent; some of them may feel that it will be in their interests to write a favourable account of their experiences, but others are quite outspoken—'I shall not hesitate to report some of the happenings to people of authority when I am released.' Some will welcome an opportunity of expressing resentment, perhaps most will succeed in showing the ambivalence to authority which experience teaches to be a common occurrence in law-breakers of all sorts.

One hundred and twelve essays were obtained from the boys, most of them offenders, some truants, 'beyond control' and 'care or protection' cases. Some are first offenders but many are experienced, as the

¹ *Brit. J. Delinq.*, VII, 3. January 1957, p. 181.

following remarks suggest—'When I go to court I always wonder what will happen', 'I have been to court many times and notice many dull spots there', 'I have been going to court since I was six', the latter from a 15-year-old. 'Most of the jurys I have met have been quite nice.' Some await the court's decision, others have had an order made and await placement in some residential establishment. Many have had psychiatric investigation, all will have seen a probation officer. They may be defiant, subdued, frightened, angry, depressed, friendly, co-operative, full of bravado and aggressiveness, or, more probably, blending many of these in infinite complexity. All that is really common to this group is that they are boys between 12 and 16, who have got themselves into a remand home through a juvenile court and are sufficiently co-operative and literate to be able to write something of their experiences.

Some of the essays are neat and thoughtful, others almost illegible, some brief, some long, one is illustrated and some have revealing post-scripts by the teacher—'This boy could have written more but he wouldn't.'

GENERAL GRASP OF THE PROCEDURE

'When you first go in you give your name in and go into the waiting room. You wait here until your name is called then you go into the court room. Inside the court room there are pressmen, probation officers and the Magistrates. You go and stand in front of the Magistrates, with your parents behind you, they then ask you if you want to be tried in this court or at a jury court. If you say here they read out your case. Next they ask you if you plead guilty or not guilty. If you plead guilty they find out if you have been before the courts before. Then they ask if you have anything to say. Then they ask if your parents have anything to say, or if your probation officer has anything to say. Then they pass your sentence. The Magistrates have been very fair with me.'

The following is rather less coldly factual and, while it reveals a little more of the boy's feelings, still shows a good grasp of the procedure.

'... I arrived there five minutes early so I was waiting in the waiting room with my parents until I was called, and then as I was entering the court room I felt all shaky as you are surrounded by people the judge was a woman about forty there were a few people sitting in front of her and as she studied my case the clerk started asking her something and then she left the room for a few minutes and then she returned read my case out and explained it to me. And she asked me if I had anything to say. And I said I was sorry—so she give me a fortnight's Remand why they went deeper into my case.'

This was from a 16-year-old charged with taking and driving away a motor car, for which he was ultimately conditionally discharged. He

was from a good home in which he had been well loved and cared for albeit by a somewhat dominant mother and retiring father. These were both reasonably intelligent and emotionally stable 16-year-olds. The impression gained from younger, duller or more emotionally upset children is very different. A 15-year-old's entire essay was as follows, suggesting rather poor contact with reality.

'When I was going to court . . . I was so scared, I was walking through the corridors I heard someone footsteps coming behind me, a policeman put his hand on my shoulder and said two-weeks remand you juvenile delinquent.'

His I.Q. was 104: at 10 months he had been abandoned by his mother, returning to her at three but abandoned again at seven. Four of his seven siblings were like himself, illegitimately born. The following three extracts were written by boys from very unsatisfactory homes, each boy showing obvious signs of disturbance.

'When you get in the court you wait till your name is called out then you go in as soon as you get in they start asking awkward question and when you say a thing they try to twist you out of the words you say when I went in the Policeman who was in charge of my case told a lot of lies I could not believe it but there you are a policeman is not a man's friend in any way. The Magistrate thinks you're a bit of dirt the way they treat you.'

'When I went in I was arsck sum questions and I arnsod them. Then I was intervod by my probasion ofiser and he gave me a good talkin to. Then my name was caulld and I had to apear infront of a magestrat when my story was told she said I must be put away for three years so I was put in a little room with anoth boy till I was sent away.'

"I sed to the Jug I am sorry that I am such a bad boy and she sed that I mit be let off and I can go home to my Mum and I will never do it again.'

This latter was from a 13-year-old, the child of an institution-raised mother who appeared incapable of affection. Her five other children were or had been delinquent.

'I went to court my mother came with me my case was tenth and the Juge said that I will have to come back in three weeks time so I came here. When three weeks were up I went back and I went in strat away and all sorts of people were there. The Juge was a lady and she had some men with her and she said I would have to go away for a time and then I came back here to find a school.'

This from a 14-year-old of low average intelligence from a broken home in which the father had himself been seriously deprived of affection and was described as drunken and mean.

'When I got to court I was fighting then two of my mates went to the toilet so . . . we had a smoke and we came out and sat down for a moment then our names were called . . . we went up some steps into the Court we was sent two weeks . . . have got to go back on Thursday.'

This 14-year-old had an I.Q. of 63. Father had left home. Mother's attitude was of pity mixed with exasperation rather than affection.

Approximately 95 per cent. of boys remanded in custody from London's juvenile courts plead guilty so that it is difficult to find examples of boys who have experienced the procedures of hearing the evidence, questioning and cross-questioning. The dull and disturbed are on the one hand particularly likely to plead guilty and on the other are likely to have little powers of retaining and communicating their impressions. It is therefore difficult to learn much from their essays. In general there is a small proportion who understand quite clearly what is going on and can form sound opinions about it, a small proportion whose outlook is entirely coloured by their strong emotions, and a majority who just accept the procedure without understanding it or questioning it, and, having pleaded guilty, are really only interested in what the 'sentence' will be. A more important study would be into the understanding of the parents. However much the intention might be otherwise and despite the avoidance of 'convictions' and 'sentences', it is abundantly clear that the boys consider themselves on trial in a criminal court and expect punishment if they are found guilty. They nearly all refer to the order of the court as a sentence, and their idea of justice is usually retributive.

COURT PERSONNEL

There seems to be considerable confusion in the boys' minds as to the identity of the different officials. One intelligent boy writes, 'Generally the court is staffed by a voluntary committee, and is usually presided over by an honorary judge', but such understanding is rare. Boys refer to the magistrates on either side of the chairman as 'assistants', 'two clerks', 'his two aids', 'a lot of people', 'a bunch of people', 'a man on each side', and quite often to the 'jury':— 'so the judge turned to his jury. . . .' Many are impressed with the large number of people: 'the court is too crowded', 'a lot of people and in the middle the judge', 'two probation officers, a policeman, a chief judge, two lower judges, an aged old judge at the extreme end of the table, to my right was the detective sergeant there were other people I could see but not state their rank', '. . . Judge, a policeman, two policewomen about 10 people all together sitting down', 'surrounded by people. . .', 'too many people, the most I don't like is the newspaper reporters', 'the room was filled

with probation officers clerks and so forth', 'magistrates and clerks and probation officers sitting all around listening', 'there are such a lot of people that is what people get scared of and think they won't get a fair trial', 'rows of benches of people', 'the hall contained at least 15 people', 'overawed about so many people in the room it made me mad and I answered back sharply.' Several noticed and some were worried by people writing, 'a lot of newspapermen taking notes down', 'beside me on either side were men and women writing', 'they write what you say', 'people taking notes', 'everyone in the court room was writing down something', and about 'people walking about', 'all the probation officers are walking about. . . .' But most of all one sympathises with the boy who wrote: 'I had too much worry on my mind to notice anything.' One boy clearly had not appreciated what a conditional discharge implied.

It was hoped that something would be learnt about the juveniles' understanding of the oath, but there were only two references to it: 'My Mum and Dad had to swear on the Bible one hand on the table and one in the air. I promise to tell the truth the whole truth and nothing but the truth'; 'the school-board man (a term which is obsolete but dies hard) took the oath.' No boy stated that he had taken it or been asked if he wanted to do so.

PARENTS IN COURT

Twenty-six boys mentioned their parent or parents being present and seemed reassured in some instances: 'when your mother and father does not come with you to court it makes you feel even worse.' Two boys mentioned the procedure in 'beyond control' cases in which the parents must prove their case in court 'making the case against me' (parents), 'the charge he was putting against me' (father), but none offered criticism or expressed resentment—one finds clinically that it is too painful a subject to be discussed. One or two boys mentioned their mothers crying, and one said he thought 'the court is not very good to the parents of the child.' Several boys were evidently worried that their parents, especially their fathers, should have to spend so much time in court away from work, and it is known that parents often accentuate such guilty feelings in talking to their children.

THE MAGISTRATES

Twelve boys mentioned intercommunication on the bench—'they had a few words with one another', 'the jury talked it over', 'so the judge had a pow-wow with the councillor and the clerks', 'so the judge turned to the jury and talked to each other what they would do', 'he says some-

thing to the other person and you can't make out what he is saying', 'after a hurried whispered conference', 'they had a chat . . . then they had another little chat', 'makes you feel nervous . . . you do not know what he's talking about'.

Opinions about lady magistrates vary: 'women judges are better give it me lightly a man would have said two weeks in Wormwood Scrubs', 'Woman is liable to get sentimental and give very short sentences, old pensioned gentlemen who doesn't like the clothes you are wearing or long hair give stiff sentences', 'a woman says three years for you as soon as you walk into court'. One boy considered that there should be all women in one court and men in another.

Inevitably many boys feel that 'it all depends on what the magistrate is like' and tend to judge the magistrate on the particular order he has just made, 'if you are lucky you get a good judge you get off with probation, but if you get a bad judge they put you away'. 'If the judge is in a good mood . . .', etc., etc.

There are many instances of genuine appreciation however: 'she spoke to me in a way that told me she was trying to help', 'the magistrates have been very fair with me', 'In court everybody was very sociable and kind', 'The judge explained everything', 'the judge tries his best to help', 'gives you chances sometimes'.

The following seems to illustrate how the magistrates are identified with the parents:—

'Some of our sentences depends on your magistrate and your offence, we might think that the magistrate is an old coot but he has his job to do like our mothers and fathers so its our own fault if we get into trouble so there's no one else to blame.'

Two boys commented on magisterial doodles: 'the two people on either side of the judge don't seem to take any notice of your case for instance when I was there one of them was drawing a picture of a horse all the time my case was being heard and not taking any notice of anything'. One said he could not hear the magistrate, none that he could not be heard. One boy mentions a magistrate intervening in a cross-examination and clearing up the point in the boy's favour. Several boys clearly treasured the good things that had been brought out about them, and remembered the very words 'you are good when you do go to school aren't you'.

WAITING

Thirty-two boys commented on the long waits either before or after their appearance or both. 'I waited three hours before my turn came

up I was 29th on the list.' 'Arrived at two . . . slowly they called out the cases but they didn't call mine out until about 5 o'clock', 'You have to wait such a long time and when you can't smoke and haven't got anything to read it becomes so boring and get restless and tired'. 'Waiting and waiting then waiting another hour and a half for the lorry', 'that's one thing about a court they hang around a lot', 'I expected a long wait but I was first due to the detective in charge of my case being in a hurry'.

Some complained of the cold. 'Not sufficient heating or seating', 'floor covered with old paper and dirty'. Several were appreciative of 'a cup of tea', 'tea and biscuits' and 'a free dinner'. One said he was ushered into a room where boys were crying, 'I thought it (the court's decision in his own case) could have been worse', another that 'the other boys soon cheered me up'. One boy on returning to the remand home wrote about 'the little nine year old that went into court smiling and came out crying'. It would be difficult for a youngster to understand that magistrates sometimes have to decline to revoke fit person orders and more difficult still to explain why the subject of the fit person order has to be present in court. One boy resented being guarded 'while I went to the toilet'.

It is very clear that what goes on outside the actual court room is for them an important part of the procedure. They write more about the waiting rooms than they do about the court, and they certainly give the impression that a great deal could be done to improve the facilities—some attempt at reducing the period of waiting, more comfortable conditions (mothers with babies often use these rooms), possibly some simple printed account of the organization, objects and procedures in juvenile courts which could be handed to parents, and in some cases to the children themselves, by an officer who offers at the time to explain anything which is not understood, better canteen facilities, small private rooms for interviews before or after court appearances, more efforts to segregate the various sorts of cases.

REPORTS

Nine boys mentioned reports being read. In every case they were school reports. Written reports from probation officers and psychiatric reports were not mentioned, nor was there any comment even by the most observant and critical on unknown documents being produced and handed round the bench, as might have been expected. This may be something which worries the parents more than the child. They are told that reports follow them to court from the remand home but seem to believe that these are simply concerned with how they behaved there.

'I have behaved myself very well (in the remand home) and I hope the teachers think so too I hope the magistrate believes me that I am going to be good for the rest of my life.' One claimed 'the Judge said if I get a good report I might get off'. There is no evidence whatever that the psychiatrist is a sort of *deus ex machina* as is occasionally alleged.

A large group (28) were critical or resentful or felt that the court was 'unfair'. The reasons for this conclusion were often not stated, 'I do not think I got a fair trial I felt like kicking his head in'. When stated, they did not point to a consistent source. 'I do not think much of the juvenile courts as in nearly every case the sentences they give do not reform the boys. I think they also frighten people so as they don't know what to say when their case comes up'. The two biggest groups of reasons were the triviality of the offence and the individual reactions of magistrates (usually because of supposed objection to Teddy boy style). 'Three years for taking a 6d. comic . . . another boy only stole a pint of milk costing 7½d. and he got three years and the people in court and the judge look at you as if you'd done something seriously wrong.' The following illustrates the expectation that each offence should be dealt with in its own right—the punishment to fit the crime—'Larceny, one pint of milk. I got a sentence up to my nineteenth birthday (he is 16). Five weeks before this I stole a motor car and assaulted a policeman with it. For that I only got two years probation a 10/- fine and suspension from driving.' The facts of this case were—I.Q. 93, at 10 'Suspected Person' probation order one year, at 14 'Larceny' probation order one year, at 15 'taking and driving' probation order two years; the brother had had four court appearances and had been committed to an approved school; the father had served several prison sentences; the mother had left home, returned for a while at father's persuasion, but had left again and was living with another man not very far away.

Very occasionally resentment is expressed in constructive suggestions: 'For their first offence should not be put away, a year perbachin for the second . . . a fine of 10/- with a month perbachin (for the third) then £1 and two years perbachin if the offence is not big.' Another writes, 'I think instead of juvenile courts they should have a station where they take everybody who is caught and charged with committing an offence, to be caned, how many strokes according to their crime. I think this would certainly reform them and thus save a lot of people a lot of trouble.' A third boy thinks that 'the judge should have some special sort of chair and some carpet on the floor'. Like their parents, delinquents are well known to be heavily in favour of punishment and 'strict law', not always for themselves but for everyone else.

Other reasons given were: 'I thought the proceedings were too short to form a full attitude', 'They twist you out of the words you say', 'the policeman tells lies, they treat you like a "lump of mud"', 'they were rough the way they got hold of me to put me in the waggon'. 'They shouldn't send you away on your first offence', 'no time to answer a lot of stupid questions', 'they give you years not months like adults . . . probation orders are too long'. 'They don't look into it seriously I think it is much better to go to a high court'.

REACTIONS IN COURT

Twenty-three boys frankly described their anxiety in court and in a variety of phrases, 'the minutes seemed like hours', 'fair shivering and sweating all over with fright', 'all shaky', 'I was very frightened', 'I was very nervous but soon put at ease', 'scared stiff', 'I get butterflies', 'I was thinking will I run away or will I stick it'. Sometimes the anxiety certainly follows them to the remand home—'at night in bed I keep repeating what a fool I am', 'I pray at night I'll get home'.

A few, at least in retrospect, dramatize or maintain a defence of bravado. ' . . . We told the Judge our story he said do you expect me to believe that? Yes I said. Don't speak out of turn. I said ya asked us a question I answered it. He said "I will see you later"', 'I was happy in court I reckon it was barmy.'

A more sophisticated production in very beautiful handwriting was from a 16-year-old charged with larceny:—

'I knew what the court says goes, and if it says approved school then my future and entire life is ruined, and did that thought make me worry . . . it was my turn, now I felt like a condem man waiting to be put to death . . . then I found myself walking up the side of the court room and facing the Magistrate on who my future or part of my future depended. I knew that in the next few minutes I would know . . . every minute seemed like an hour, it was agonizing. Then the sentence was passed and I knew the answer.'

He was conditionally discharged for one year. The psychiatrist who examined him considered him 'a disturbed boy who in time of stress develops hysterical mechanisms of dissociation.'

Some become a little expansive, 'you can pick yourself a counciler if you want to, it costs about 30/—, he states your case and tries to get you off.'

Only one expressed anything approaching shame; charged with larceny, rather charmingly he wrote, 'what with policemen standing over you as well it makes you feel so dishonest.' Three expressed the con-

clusion 'I never want to go there again'. One or two were distrustful for example at 'the pretence of friendliness and forced grins'.

Only one child described what seems to have been a pathological mental state in court, and he was dissociated or derealized. 'Everything was strange as if I was in a different world'.

FAIR OR UNFAIR

Twenty-five boys stated that they felt their 'trial' was fair. 'Fair . . . its my own silly fort', 'he was fair to me', 'the court was fair to me', 'I think I had a very fair trial', 'I believe I was treated fairly and I deserved what I got', 'I think the judge could not have been fairer with me'.

Some few seem able to weigh the matter carefully, 'I deserve the sentence . . . although I did not think so at the time', 'the court did its duty yet I don't think I should have got three years'.

It is one thing to try to assess what these children observed but quite another, and totally impractical, task to assess what they feel about it all. The majority are probably ruled by the usually great emotional stresses that bring them to court rather than by what happens to them in court. It could hardly be expected, for example, that the previously cited case of the milk stealer from the chaotic and totally delinquent family, whose mother was living nearby with another man, could feel anything but resentment and 'unfairness' to the court and to the whole world. The greater kindness shown to a child who knows himself rejected by his own family may only add to his sense of unfairness. It is a constant finding that children, and adults for that matter, find it easier to hate anyone rather than the mother who engendered the hate, and it is especially difficult for a child to admit hate when away from the parent. As soon as he is removed, the faint hope of acceptance is able to predominate again.

A good example of ambivalence shown towards the court was from a 15-year-old who wrote a favourable and factual account of his experiences in court, concluding 'my opinion of the court is very fair', but adding a further and final line which he carefully and discreetly crossed out with a single thin stroke, 'sometimes I felt like kicking the Judge in the teeth'.

Little value can therefore attach to the following figures:—

10 unfair	} 28	46 accepting or 'fair'	} 55
13 critical		9 impressed or approving	
5 resentful			

Many of the accounts classified as 'fair' or accepting are really expressing guilt and approval of punishment. The following is a rather pathetic example:—

'I think that the court acted fair and it was right to put me away because I did wrong. I know I did wrong but I have to take the punishment. And I think that the Judge has done his duty and done what was right. I was taken to court because I stole, and when you steal you have to take your punishment. I have to go to court again on Friday and I will deserve what I get I don't mind if I go away for three years or if I get three years' probation I will feel that the magistrate has done what is right and he has done his duty.'

Note the passive 'I was taken . . .' rather than the more usual 'I went to court', the harping on 'wrong' and 'punishment', the capital 'J' for the Judge and the expectation and statement of the maximum period of approved school committal or probationary supervision. Clearly he considered nothing too bad for him and would have approved however he had been dealt with. A rather similar example but with more ambivalence and reservation:—

'My opinion of the court where I was tried is that the court is a very good and fair court as far as I can see up to now. If we didn't have courts like these, children of nearly all ages would be doing one crime or another so there got (to be) these courts for our own good and protection. . . .'

Compare these with the following one-sentence essay from a boy with a very hostile home background.

'I think the courts stinks they should think twic about thing it not right sometimes I like to KILL the juge.'

STIGMA AND CONSEQUENCES

Ten boys express themselves on this topic, most of them having in mind an approved school order rather than a court appearance. 'You lose all your friends', 'what I most don't like is a remand because I don't see my girl for three weeks', 'you miss your girl friend', 'what your girl friend will say if you get sentence', 'might not see mother and father for three years', 'never get a job', 'couldn't get a job', 'if you are put away you can't go to sea', 'life ruined', and, more dramatically, 'my future and entire life is ruined'.

CONCLUSION

The overall conclusion from studying these essays supports long clinical experience in finding that both the accuracy of the children's obser-

ventions, as well as their reactions and feelings about juvenile courts, are overwhelmingly affected by their experiences at home. The most disturbed children seem to be at the extremes—those who are highly antagonistic to the court and those who accept it all in a very passive manner. It seems to follow that magistrates should not interpret signs of antagonism in children too literally, nor should they assume extreme docility and superficial expressions of blameworthiness to be favourable signs. While many, perhaps most, children in court are able to grasp the procedures, to appreciate a helpful attitude from the bench and other officers, there are some who are so disturbed that their feelings and reactions could not be much altered by changes in court procedure, nor by the attitude of the magistrates. A point worth mentioning again is the important part which the waiting room plays in the eyes of the children themselves. An investigation along similar lines, but with the parents, would seem to be indicated.

RESEARCH AND METHODOLOGY

(Continued from Vol. IX, p. 123)

CURRENT RESEARCH. LVIII. THE SENTENCING POLICY OF THE HIGHER COURTS.

(1) *Name of University Department, Hospital or other Institution or private person supplying the information:* Law Department, London School of Economics and Political Science.

(2) *Subject of Research:* A study of the sentencing policy of certain selected courts, comparing the years 1950 and 1956 with regard to certain offences of violence against the person, sexual offences, and breaking and entering.

(3) *Under whose auspices is the research being carried out?* L.S.E., with grant from the Home Office. *Research workers:* Mr. J. E. Hall Williams and Miss Ann S. Garcia.

(4) *Commenced:* April 1958. *Completion expected:* December 1959.

(5) *Publication:* No results so far published.

CURRENT RESEARCH. LIX. SOCIAL CONSEQUENCES OF CONVICTION.

(1) Dr. J. P. Martin.

(2) The social consequences of conviction for the offender. At present only a pilot investigation is being made concerned primarily with the interviewing of offenders at intervals after conviction in an attempt to assess the nature and strength of the social consequences of conviction.

(3) Home Office and Social Research Division, London School of Economics. *Research worker:* Dr. J. P. Martin.

(4) October 1958. *Completion expected:* Late 1959.

(5) No publication so far.

SCANDINAVIAN CO-OPERATION IN CRIMINOLOGY

Possibilities of increasing co-operation among criminologists in Denmark, Finland, Norway and Sweden have been under discussion for some time. These countries are especially well suited for such co-operation; their languages are closely related, and the social structure within the different countries is very similar. At the same time there is enough variation to create interesting possibilities for comparative research. These factors have led to considerable co-operation already—among other things a joint journal in criminology¹ and a joint yearbook published by the criminological associations in the four countries.² However, the need for even closer co-operation is felt. In 1956 the Swedish government suggested to the general Scandinavian political body, 'Nordisk Råd', that a joint Scandinavian research institute in criminology be established. The question was postponed for further consideration. The Swedish government asked the Norwegian Professor of Criminal Law, Dr. Johannes Andenaes, to explore the possibilities of the suggestion—a request which was in itself a good example of Scandinavian co-operation in the field. His report has now been delivered to the Swedish government.³

Dr. Andenaes' report does not recommend the establishment of a joint Scandinavian research institute at this time. It is obvious, Professor Andenaes states, that pooling the resources available would make possible one better central institute rather than a separate smaller one in each country. At such a central institute it would be possible to collect representatives from a wider variety of special fields—from law, psychiatry, psychology, sociology. It would also be possible to gather scientists from the different countries with their special national knowledge. However, criminological research is dependent on empirical data. A joint institute could not work *until efficient national institutes had been previously established in all the Scandinavian countries.*

But other possibilities for Scandinavian co-operation in this field do exist at the present time, and Professor Andenaes discusses them thoroughly. He concludes with proposing the establishment of a Scandinavian research council in criminology, with a special foundation for comparative research, and with a permanent secretariat.

The research council will be made up of criminologists and governmental representatives from all the Scandinavian countries. One of its major tasks will be to distribute funds for criminological research. Professor Andenaes recommends that this distribution be limited to projects in comparative criminology. The more radical step of giving the research council authority over funds for all kinds of criminological research would perhaps be beneficial for the whole field in all of Scandinavia, for a weakly developed criminology in one of the countries must necessarily restrict the possibilities of comparison. At the present time, however, such a wide mandate might lead some governments to withhold other sources of research money.

The head of the secretariat should be a young and well-qualified criminologist who serves full time. His major task would be to act as a channel of com-

¹ *Nordisk Tidsskrift for Kriminalvidenskab*—published in Copenhagen.

² *Nordisk kriminalistisk årsbok*—published in Stockholm.

³ 'Om formene for nordisk kriminologisk samarbeid', Oslo, June 1958.

munication between all different forms of research activities within the field. He would have to travel a lot to keep himself and others informed. He should work especially hard to further the possibilities for comparative research. As an example of the type of problem well suited for such research may be mentioned car thefts. In Sweden, this problem is very great; it is considerable in Denmark and Norway, though by no means so serious as in Sweden; while in Finland it is relatively small. Such variation is interesting in countries so similar in history, technical development, and in their legal systems. The secretary would be able to co-ordinate research on this and other problems. Results of great general interest should be obtained by researchers in different lands working in intimate contact with each other and with the same problems in mind. In addition to informal contact activity, the secretary would also carry on much written communication, especially concerning material not yet ready for final publication. In addition he would be responsible for organizing Scandinavian seminars in criminology, and would have the task of preparing the meetings of the research council.

The report by Professor Andenaes is now under discussion in all the Scandinavian countries and will probably result in some kind of action.

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NOTES AND CRITICISMS

UNITED NATIONS EUROPEAN GROUP ON THE PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

The fourth session of the Consultative Group took place at Geneva from September 11th-24th, 1958. The author of this note attended this and the Congress of Social Defence as representative of the World Health Organization.

The Group considered: (a) Prison Labour (rapporteur M. J. Dupréel, Belgium); (b) Young Adult Offenders (rapporteur M. F. Clerc, Switzerland); (c) Mentally Abnormal Offenders (rapporteur Dr. H. K. Snell, U.K.); (d) Sexual Offenders (rapporteur Dr. G. K. Stürup, Denmark).

The discussion on prison labour emphasized that it forms part of the national economy, but that previously agreed principles of integration had not been applied sufficiently in practice. More work at the technical level of modern industry, better vocational training, close collaboration with outside industry and recognition of regional differences were recommended. On the subject of pay, the Group noted that, in spite of successive resolutions by international congresses recommending the principle of equal pay for equal work, no country had put the principle into general operation. The best hope of progress lay in applying the principle to special categories of prisoner.

The question of young adult offenders had been discussed at length by a special working party at Strasbourg in 1957. The conclusions reached then, with the help of a report by Mr. Bradley (U.K.), reflected many of the practices used in England, especially in the Borstal system, and were largely confirmed

by the Geneva meeting. Great interest was shown in the English detention centres and German 'week-end arrest'; it became clear that many different types of treatment might have a place, but the difficulty was to decide who was suitable for any special treatment, and what the results were.

Mentally abnormal offenders had been discussed at length at Geneva in 1956 and, owing to the special difficulties, were exhaustively considered again by a special working party at Strasbourg in 1957. Legal and scientific definitions involved great difficulties, and it was decided to understand by abnormal offenders not only the insane offenders, but those 'who, by reason of their mental state, should not be subjected to ordinary methods of penal treatment, but require a régime in which psychiatric treatment and management will be applied.' The recommendations, which cannot be summarized shortly, were largely accepted by the Geneva meeting. The problem of the difference, if any, between habitual offenders and abnormal offenders could not be satisfactorily resolved in the present state of knowledge.

Discussion of sexual offenders at Strasbourg was based upon a paper submitted by the author on behalf of the World Health Organization. This, and the subsequent observations, were incorporated in the secretariat's working paper submitted at Geneva this year, and the main conclusions accepted without much modification. The main trend was to emphasize that sexual offenders should not be differentiated from others by special sentences or methods of treatment: special treatment should be based upon personality rather than offence, and should apply equally to other offenders with similar needs. Great interest was shown in a memorandum by Israel describing the new law by which the child victim or witness can be prevented from appearing in court. The meeting recommended further study of the question of castration.

The provisional programme for the Second United Nations Congress on the Prevention of Crime and Treatment of Offenders in 1960 was described, and a special working party was set up to consider the question of short-term offenders at Strasbourg in September 1959.

FIFTH INTERNATIONAL CONGRESS OF SOCIAL DEFENCE

The Congress was held in Stockholm from September 25th-30th, 1958, on the subject 'Intervention by the courts or by other authorities in the case of socially-maladjusted children and juveniles.' Two general reports were submitted on each of three subdivisions of the topic, viz. (i) The stages of development of socially-maladjusted minors; (ii) The competent authorities; (iii) The available measures. Mr. A. L. Armitage was one rapporteur for the third section, and Dr. Radzinowicz was chairman of a section. Documents had been prepared by national committees of several nations; the Cambridge Department of Criminal Science contributed a collection of papers by many authors dealing with practical aspects of the care of juveniles. The discussions took place in plenary sessions, and a wide range of disciplines was represented. Nevertheless, contributions were so pertinent that a genuine exchange of views took place, and a very similar general approach to the problem was evident.

The various stages of 'psycho-physiological and social maturation' were discussed, but the most interesting conclusion reached in this section was that 'the adolescent passes through a so-called "young adult" period which *seems*

to extend to the age of 25’, when, according to present knowledge, the characteristics of the adult are generally found. This ‘“young adult” state calls for measures adapted to the biological and social problems involved’. This European trend to recognize a young adult status up to the age of 25, which was also noticeable in the Geneva discussions on young adult offenders, may be related to the less advanced state of Borstal-type training in Europe than in England; nevertheless, it seems to run counter to the English tendency to reduce the age of such training from 23 to 21. Does it imply that for England some different sentence is suggested for those between 21–25?

The section devoted to ‘competent authorities’ raised an interesting discussion on the relative merits of the ‘welfare board’ system and ‘juvenile court’ system. Many speakers suggested that there was a tendency for the welfare boards to seek greater ‘legality’ by appointing more lawyers and revising the system of appeal, while the juvenile courts were trying to resemble welfare boards more closely in their operation. It was agreed that there was no perfect system, and that the choice depended on national tradition and local institutions. Any good system would see to the professional training of its members, would guarantee their independence, would include one legal member, would carry out full medico-psychological and social examinations, and provide machinery for guaranteeing the rights of the individual and his family. On the question of available measures emphasis was placed upon the criteria for the choice of measures, on flexibility, and research into techniques of treatment and tests of efficacy of different treatments. A special régime for those between 18–25 was needed.

T. C. N. GIBBENS.

THE FIFTH INTERNATIONAL CONGRESS OF CHILDREN’S JUDGES

This Congress was organized by the International Association of Children’s Judges, and met in Brussels on 14th–18th July at the Palais de Justice. The inaugural session and the final session were held in the auditorium in the grounds of the International Exhibition. A visit was arranged to the ‘Help for Maladjusted Children’, organized by the ‘Office de la Protection de l’Enfance’, and was of particular interest to those interested in the subject of the maladjusted child, and gave one food for thought.

The Congress was divided into three groups:

- (1) The Psychological and Welfare Action of Children’s Judges in Prevention. (Its limits, methods, and requirements.)
- (2) Probation and Educative Protection.
- (3) Adolescent Court Extension of Prevention and Welfare Work in the Penal Field.

As there were only two British representatives—magistrates in juvenile courts for Gloucester and London—it was not humanly possible to cover all three groups, and it was particularly distressing to find that no probation officers or social workers had come from Britain. The probation service as functioning in this country was claimed by many delegates (notably Canada, the Sudan, and the Philippines) as the best in the world and as likely to be closely copied by the Belgians.

There were 32 countries represented, about 150 foreigners from all over

the world and about 50 Belgians, including judges, directors of education, teachers, and social workers of all kinds. We discussed problems on an equal footing with constructive criticism and helpful suggestions, and there was a feeling amongst us of real teamwork. The three groups passed resolutions at the end of their deliberations with a fair amount of unanimity, but the handling of the delinquent in the different countries varies so much, and space is so limited, that it would be impossible to go into details.

The impression I think we all came away with was the importance of prevention and early detection, education of the parents and the necessity of gaining their co-operation, the helpful rôle played by psychiatry and psychology in determining treatment and by the psychiatric social worker in carrying it out, and finally the necessity for good teamwork. The family court, as against purely juvenile or domestic court, was envisaged by some countries, and the probation service, closely allied with the preventive social services and the education service, was considered essential.

I would like to stress the value of this sort of congress, which in Brussels was held under the Presidency of M. Chazal of Paris. The opportunity for delegates to meet together socially, to discuss their problems and hear of experiments being made and research projects in operation, is invaluable. Workers in the field of juvenile delinquency in this country would have benefited by attending this Congress, and the Congress members would have found it useful to hear at first hand about the probation service in this country and about our welfare and social services as they affect the courts. If it were possible to persuade Government Departments to pay the expenses of certain delegates, as is customary with foreign Governments, the British delegation might be more adequately and scientifically represented than by only two enthusiastic magistrates able and willing to pay their own expenses.

PRISCILLA NORMAN.

The Resolutions of the Conference are too detailed to be reproduced, but the following points may be mentioned: Preventive work by juvenile courts should begin at the earliest possible stage and before the commission of an 'anti-social or irregular' act. The scope of such work will differ from country to country. Only persons with special training should be juvenile court magistrates. There is a need for the setting up of special 'Divisions for young Adults' within the ordinary adult courts. (Ed.)

I.S.T.D. WEEK-END CONFERENCES ON THE WOLFENDEN REPORT

'She remains, while creeds and civilizations rise and fall. . . .' This was the opening 'text' of the I.S.T.D. Spring Weekend Conference on Prostitution, which was held at Bracklesham Bay, on the Sussex coast, on 18th to 20th April, 1958—the first of two conferences organized by the Institute for the Study and Treatment of Delinquency in order to discuss the recommendations of the Wolfenden Report. The second, on Homosexuality, was held at Harrogate on 7th to 9th November.

The lectures and discussions on Prostitution covered many different aspects of the subject, but the main feeling at the close of the weekend was still one of

perplexity at the age-old insolubility of the problem. In considering such a baffling topic, it was impossible to reach any firm conclusions, but two significant trends were discernible—considerable emphasis on the *clients* of prostitutes, and a feeling that, whatever might be the solution to the problem, the Departmental Committee had not found it.

In the opening lecture on 'The Law and the Prostitute', Miss Jean Graham Hall, LL.M., reviewed the remarkably similar but equally unavailing attempts to suppress prostitution in every age and civilization. She outlined the present attitude of the law to the 'common prostitute': while disagreeing with the recommendations of the Wolfenden Committee, she felt that there was, in fact, no legal solution to the problem. Speaking from the standpoint of 'Prostitution and Morals', the Venerable J. H. L. Morrell, Archdeacon of Lewes, also described the Report as heavily weighted against the prostitute as compared with her client, and emphasized that the heart of the problem lies in the male demand. The third session was devoted entirely to this aspect of the subject, when Dr. T. C. N. Gibbens (the Conference Chairman) spoke on 'The Clients of Prostitutes', and gave the audience the opportunity of learning the results of a pilot survey which he had carried out for an intensive research into the kind of men who resort to prostitutes. This preliminary survey indicated certain fairly clear personality groups; the background was often that of a very disturbed childhood with a pattern of strict but loved mothers and bad fathers.

On Sunday, Dr. Edward Glover spoke on the psychopathological aspects of prostitution, describing it as a primitive and regressive phase in sexual development, and relating it to the whole field of sexual behaviour in general. Finally, in Mrs. Rosalind Wilkinson's talk on 'The Prostitute and Society', the subject of so many earnest discussions during the weekend emerged as a real and living person, enclosed in her own little world, but still impinging upon society at large.

The I.S.T.D. Autumn Weekend Conference (7th to 9th November, 1958) was concerned entirely with the homosexuality aspect of the Wolfenden Report. Although it did not end with any formal resolutions, there was little doubt that the conference supported warmly the Committee's main recommendation that 'homosexual behaviour between consenting adults in private be no longer a criminal offence'. The weekend produced much informed discussion of controversial issues, but none of the perplexity which had characterized the earlier 'Prostitution' conference.

In the opening session on 'Society and the Homosexual', Dr. Derrick Sherwin Bailey, Study Secretary of the Church of England Moral Welfare Council, gave an exhaustive survey of the evidence in law and literature reflecting the attitude of past ages towards the homosexual—stressing the importance of distinguishing between homosexual conduct and the condition of homosexuality, which has only been recognized comparatively recently. We inherit an inextricable mingling of superstitions and emotional prejudices, often based on traditions which the study of history shows to be false and irrational (*e.g.* the derivation of the term 'sodomy' itself). Dr. Bailey ended a most absorbing lecture with some assessment of the moral factors involved, suggesting reasons for the traditional penalization of homosexual practices, and urging a more radical approach based on the quality rather than the nature of a relationship.

In the second session, Mr. Ralph Cleworth, Q.C., Stipendiary Magistrate of Leeds, analysed the present state of the law in relation to the homosexual. Dr. Rubinstein, Consultant Psychiatrist at the Portman Clinic (I.S.T.D.), spoke on 'Psychopathology and the Possibilities of Treatment', describing the stages of infantile sexuality and the phases which might lead to the development of a homosexual condition. Finally, Dr. W. F. Roper, Principal Medical Officer at Wakefield Prison, assessed the recommendations of the Wolfenden Report in the light of the preceding lectures. He thought the effect of the Report would be to cause the present law to fall gradually into disuse, without any definite action being taken. With regard to penalties, the heart of the problem was—how long in prison? Dr. Roper thought that in *all* cases, but especially where homosexuals were concerned, it was better to try to find an alternative to prison. Prisons should be so developed that they are fit to deal with all cases sent to them; or, alternatively, the facilities for ambulant treatment must be increased.

A concluding discussion session on Sunday afternoon was opened by the Rev. Hallidie Smith, Secretary of the Homosexual Law Reform Society, who outlined the objects and activities of the Society. Throughout the conference, valuable contributions were made in discussion, stimulated by the quality of the lectures. It was particularly fortunate that the audience included representatives of different cultures—the Superintendent of Prisons in Ceylon, the Reader in Psychology at the University of Madras, the Headmaster of an Approved School in Nigeria—who were able to throw light on the extent of homosexuality in their respective countries.

EVE SAVILLE.

THE HOWARD LEAGUE SUMMER SCHOOL ON GROUP MORALE IN INSTITUTIONS

The Howard League's Summer School was held in early September at Worcester College, Oxford. Despite the Bursar's warnings regarding lack of modern amenities, this was surely one of the League's most successful summer schools.

Perhaps one of the most heartening aspects was the presence, among the hundred or more members, of so many men and women from within the prison service; not only Governors and Assistant Governors, but Prison Officers and Trades Assistants. On the other hand, the very small number of lawyers present suggests that there remains much to be done by way of stimulating informed criticism of penal methods amongst the legal profession.

The school started on the evening of our arrival with a paper by Mr. Walker, Secretary to the Prison Commission, in the course of which it became apparent that the problems of the present day penal system are in many ways recognized by those responsible for its administration; it remains to be seen how theory and practice can be synthesised. All the morning lectures were linked to problems of group morale in various settings. Mr. Eric Trist, head of the research department at the Tavistock Institute, spoke on the first morning of work done with ex-prisoners of war in the Civilian Resettlement Units after the Second World War. Morning lectures were followed by discussion groups, the members being divided into small groups who then reported back to the general meeting, and there was much speculation after Mr. Trist's talk as to the extent to which

ex-prisoners of war and offenders in our prisons are comparable material for treatment purposes.

The following morning, Mr. Bainton, Governor of Pentonville, gave an outstanding talk in which he discussed staff relations in prison, and related this to the newer methods of treatment. He referred to the conflict between safe custody and the duty of treatment and rehabilitation, the former imposed by public opinion, and the latter by the Prison Commission. This conflict is at present being expressed in the conflict between discipline staff and treatment staff. Mr. Bainton also suggested that it is not only the staff who are unready for many of the modern reforms, but also the prisoners themselves. Mr. Alan Robertson, who has just had a year's leave from his Borstal work to attend a course at the Tavistock Institute, spoke of possible trends in institutional treatment. He was anxious to see more classification in Borstal according to psychopathology and felt that psychopaths should be segregated. Unfortunately, as is so often the case when this word is used, much of the discussion in groups was taken up by attempts to define the psychopath. The last morning lecture was given by Dr. Kräupl Taylor from the Maudsley Hospital, who spoke about group therapy. His talk was of such especial interest that the discussion groups abandoned their usual practice and planned further questions which they could ask Dr. Kräupl Taylor. The extent to which therapeutic group work such as is already being carried out in a clinical setting can, in fact, be carried out in prison, was a subject which occupied many of the participants far into the night.

Whilst it is exciting to envisage the therapeutic use of group discussions in prison, and to witness the enthusiasm and understanding of many members of the prison staff, it is perhaps wise to add a note of caution. So little is known about the theories and dynamics of group work in this country that almost all who are engaged in work of this sort consider it to be experimental. There seems to be a danger that the full implications of running groups for prisoners may not always be apparent to those concerned. There was much discussion throughout the Summer School about the differences between group therapy and group discussion, but whilst in theory these differences are recognized, in practice there may be considerably less clarity, and one is doubtful whether the aims of such group discussions have yet been fully worked out.

The afternoons were devoted to visits to various penal institutions, for which we were all grateful to the staffs concerned who made us so welcome.

The evening lecturers spoke about the work in which they are presently engaged—Mrs. Dockar-Drysdale from the Mulberry Bush; Dr. Stott spoke of his research on 'spotting' delinquents; Dr. Gray talked of the treatment of offenders in other countries; and Judge Laski told an enthusiastic audience about the work of the Crown Court in Liverpool.

A Summer School such as this, where the speakers are all professional workers, may tend to appeal largely to those members of the League who are also engaged in a professional capacity in the field of delinquency. It may be that some members of the League, not so intimately concerned in the day to day working of the penal system, may have felt their contributions to have been less valuable. There is probably no ideal solution to this problem; it seems to depend upon whether the purpose of a summer school is to provide the framework of a large study group, facilitating the exchange of ideas between workers from different disciplines; or whether it is to give those members

who are intensely interested in problems of penal reform an opportunity of discussing with those professionally concerned with the treatment of offenders, whom they normally have little chance of meeting.

It remains only to congratulate the organizers of the Summer School for the magnificent job they did.

PAULINE MORRIS.

THE HOUSE OF COMMONS DEBATE ON THE ADDRESS, 31 OCTOBER, 1958.

(On the subject of Crime and the Penal System)

The theme of this debate was the passage in the Queen's Speech referring to the grave view taken by the Government of the recent increase in crime, and their determination 'in the light of the most up-to-date knowledge and research', to seek to improve the penal system and make methods of dealing with offenders more effective.

In opening the debate, Mr. Gordon Walker paid tribute to the enlightened approach to this whole question which Mr. Butler has shown as Home Secretary, and several other speakers echoed this sentiment. The fact that a new spirit is abroad in this matter 'is due to the right hon. Gentleman in considerable measure', said Mr. Gordon Walker. Another speaker remarked that public opinion was now conditioned to accept changes, and real progress could be made. The only question was in which direction this should be.

The debate ranged far and wide, but the main topics discussed can be grouped under six headings:—

(1) *The Criminal Statistics and the Present Crime Wave.* Some speakers expressed dissatisfaction with the form and content of the annual Criminal Statistics, and particular stress was laid upon their being an unreliable guide to the volume and distribution of crime. Mr. Peter Kirk (Gravesend) said it was like trying to look up a train in last year's Bradshaw, or worse. Since Lord Pakenham's book, it has become fashionable to decry the official statistics, but much of the criticism has the air of fresh discovery by an innocent of one of the mysteries of the universe which older hands have long acknowledged. Mr. Butler did admit, however, that we must have an up-to-date Bradshaw.

The fact that there has been a sharp increase in the crime rate is confirmed from all sides, and Mr. Butler expressed grave concern that, for all the vast improvements in the social services and material well-being of society, crime should have increased in this way. He did not think it could be entirely attributed to the Welfare State. This is no sudden crisis, he maintained, but a deep-seated disorder in our society. From the point of view of accommodation in penal institutions, the situation had almost got out of hand, but at the same time one should not exaggerate the share of sex crimes and crimes of violence in the total picture, although there had been very sharp percentage rises in each of these categories.

(2) *The Police and Probation Services.* Nearly everyone thought that more should be done for the police, both to encourage recruitment and to equip them with the latest devices to enable them to tackle the crime problem. Mr. Butler

had some encouraging things to say on these questions. Whether it would help to have a separate corps of traffic police, to relieve the police proper of some of their time-consuming and unwelcome traffic duties, was a matter which was raised by more than one member.

Likewise, the probation service needs to expand to meet the heavy demands made upon it. In the debate, a vigorous demand was made for a special committee to be appointed to review the position of the probation service, which has not been the subject of an official inquiry for over twenty years. The reply of the Joint Under-Secretary of State (Mr. Renton) was disappointing. 'On grounds of pay alone', he said, 'we do not think that there is any reason for a committee.' There was the ordinary negotiating machinery. But, with respect, is pay the only question here, and in any case, what about the Royal Commission on doctors' and dentists' pay?

(3) *The Courts and Sentencing Policy.* Considerable interest attaches to the many references in the debate to the need to overhaul the organization and procedure of the criminal courts. The Streatfeild Committee is already charged with the duty of investigating many of the relevant aspects of this matter, and it is to be hoped that they take a wide view of their terms of reference, and come out with bold proposals. Mr. Butler was careful to explain the limitations on the powers of the executive to interfere with the judicial function. There was no need to raise the maximum penalties for crimes because of the crime wave—they were already more than adequate, and there was evidence that the courts were imposing longer sentences than in the past. The Home Secretary said that he would not at present, 'subject to further consideration', feel entitled to alter the present assize system, which was 'so fundamental a feature of our justice'. Within these limitations, however, the impression was conveyed that much can be achieved in the way of improvement.

(4) *The Penal Institutions.* Here the great news is that the whole law and procedure relating to the detention of young persons is in the melting pot. For the younger offenders, the Ingleby Committee is already embroiled, but now we are given to understand that the provisions governing young prisoners and Borstal inmates are being reviewed, and the suggestion is that more discretion should rest with the Prison Commission concerning the form and length of detention of persons under 21. If this involves an indeterminate sentence, as Mr. Anthony Greenwood observed, the matter would require very careful consideration, but all the indications are that more flexibility is required as a matter of administrative discretion. With regard to detention centres, there was no disposition among members to accept the extreme criticisms which have recently been voiced, but some doubts were expressed concerning Mr. Butler's enthusiasm at the Blackpool Conference, and the contemplated extension of such facilities. Some members thought the money would be better spent on remand centres, which were sanctioned under the Criminal Justice Act, 1948, but have never been provided. A start is to be made in this direction, which is long overdue.

With regard to adult prisoners, Mr. Butler spoke with satisfaction of the results achieved, and referred to the extension of the Bristol hostel scheme, while with regard to open prisons, he maintained that Britain leads the world. The prison service had to be geared to meet the new demands upon it, and the speed with which the Government had accepted the recommendations of the Wynn Parry Report was a source of gratification on both sides of the House.

(5) *Research*. Mr. Butler's references to the high hopes he places in the results to be achieved through research may seem unduly optimistic to some of our more cynical experts, but it is extremely encouraging to the researcher to feel that research has at last earned a proper place in the order of things in this field of crime and the treatment of offenders. It is now almost respectable as one arm of the administration, but it would be a mistake to place too much reliance upon it or to expect too much from the researcher, who cannot produce all the practical answers through the pursuit of scientific investigation on the highest plane. These practical answers will still remain to be provided by men of affairs, both administrators and politicians, and by reformers who put up ideas for their consideration.

(6) *The Rôle of the Government*. In combating the crime wave, many people expect too much from the Government, said Mr. Butler, 'A moral basis of conduct can no more be imparted by the Government than can a religious belief.' This statement was immediately challenged in a letter to *The Times* from a Medical Officer of Health, who drew analogies from the history of public health in this country. Whatever the truth of this statement, the fact remains that a tremendous amount depends on the schools, the churches, and above all, the parents, in the inculcation of proper moral attitudes. The Queen, as *parens patriae*, has shown through her Ministers a proper concern with the crime question, and it is clear from this debate that a great deal can be achieved by cautious and patient evolution of our institutions in many different directions.

J. E. HALL WILLIAMS.

REPORT OF THE WYNN PARRY COMMITTEE¹

Most people spend a good deal of their time looking over their shoulder and comparing their status with that of other people. Not that they are always aware of it. Nevertheless, the need to be approved of by friends, workmates and superiors is considerable. Nowhere is status more deliberately emphasized than in a uniformed service where rank is ascertainable at a glance.

The prison service is such a service, and for years now an undercurrent of genuine discontent has been running through it. Grumbles and rumbles about the slow promotion and the pay were the outward expression, resistance to reforms the more hidden symptom of this *malaise*. This state of affairs is hardly surprising when one remembers that, although the attitude towards prisoners has undergone some remarkable changes, the attitude to prison officers by comparison has changed much less.

In the old days, things were straightforward enough. The ordinary discipline officer was at the bottom of a hierarchical service, and promotion was slow—but at least he sat firmly on top of the prisoners. They were universally recognized as bad men, and given into his custody. He, being in charge of these bad men, and responsible for seeing they were safely locked away, was—by implication—good. Then the reformers and the Prison Commissioners and the progressive Governors began to form a (to him) unholy alliance. Repression ceased to be the

¹ Report of the Departmental Committee on Remuneration and Conditions of Service in Certain Grades in the Prison Service. (London: H.M.S.O., Cmnd, 544, 1958, 2s. 6d.)

order of the day. And as punishment was gradually being replaced by the concept of rehabilitation, so the recognizable badness of prisoners seemed to be fading. The status of prisoners was changing and, with it, many an officer may have felt virtue and goodness slipping away. Although still patently the most inferior rank in the service, his superiority over prisoners may have seemed to him challenged.

With the Norwich experiment as background, the Home Secretary appointed the Wynn Parry Committee to look into pay and conditions in the service. Their Report, as far as it went, was bold. The principal recommendations were sweeping increases in the differentials between the basic-grade officer and his immediate superiors; and corresponding improvements in the pay of other grades. The Government has already declared that it would accept these recommendations in principle. They will transform the career prospects in the service, there is little doubt about that. The vexed question of promotion was ingeniously tackled by the additional proposal that every basic-grade officer could sit for an examination after ten years. If he passed it, he would be eligible for promotion to Principal Officer in due course (*i.e.* normally after a further nine years); but he would in the meantime receive an immediate increment which would act as an incentive and a sort of half-way house to promotion.

Altogether, the Committee made nearly fifty recommendations, about pay, allowances, and physical conditions (about some of which they had some acid comments to make). The net effect of these should be to make the service much more attractive, as far as all material circumstances are concerned. But whether, in the long run, improvement in material conditions alone will be sufficient, remains to be seen. The status problem may well continue to haunt the service. Better pay means the ability to purchase symbols of status, and in some industries where job satisfaction and internal status were particularly hard to achieve, workers compensated for it by seeking for status in the area where they lived. They would spend on their homes and their gardens, on T.V. sets and flowers and brightly painted front-doors. But for many prison officers, neighbourhood status may be just as hard to achieve as work status. For the majority live in official quarters close to their work, and tend to form a community, even outside the prison, where rank never ceases to play its part. Though the widening of differentials is to be welcomed from the promotion and career point of view, it may make rank and status more important than ever. The refusal of the Wynn Parry Committee to make recommendations in the field of human relations within the service does not absolve the Prison Commissioners from giving these questions their most careful consideration. Indeed, they have already shown themselves willing to do so by giving facilities for a number of research projects on this subject. The results of these projects may well turn out to be at least as important for the service as the proposals of the Departmental Committee.

HUGH KLARE.

CRIMINAL STATISTICS, ENGLAND AND WALES, 1957¹

Amateur criminologists are divided in their views on the merits of criminal statistics. On the one hand, vaguely aware of some of the well-known criticisms, they are at least subconsciously inclined to dismiss such statistics altogether as the usual pack of lies. On the other hand, having been told so many times that accurate and up-to-date statistics are the indispensable basis for any further steps in penal reform, they are occasionally tempted in their public utterances to exaggerate the value of such information. Certain recent publications contain dangerous inconsistencies of this kind, and in some of the current discussions on the rise in crime these two opposing tendencies have been only too noticeable. If official criminal statistics are 'grossly unreliable' because of deficiencies in the material on which they are based, there is little point in asking them to be more up-to-date. In fact, those who are fully conscious of existing pitfalls and know how to read these official tables can, with all due caution, derive a good deal of useful information from them. To illustrate this would require more than a short Note. And with regard to their not being up-to-date, no criminal statistics can ever be really up-to-date, and there may be risks in being too much up-to-date. Actually, English Criminal Statistics are more-up-date than many foreign ones. To publish the volume for 1957 in September 1958 is no mean achievement, and there are no traces in it of hasty and superficial work. Of course, as the illuminating House of Commons debate of 30th October, 1958 (see this number, p. 220) has shown, the 1957 rise in crime has continued in the first ten months of 1958, and the 1957 figures are therefore no longer entirely topical, but to those who have to plan the next steps in legislation these temporary ups and downs can hardly be decisive. They do, of course, matter a great deal to the administrators who have to cope with over-crowded institutions and to over-worked probation officers and magistrates, but the latter do not require official statistics to know that they are over-crowded and over-worked.

H. M.

MINISTÈRE DE LA JUSTICE. EXERCICE 1957.

(*Rapport Général présenté à Monsieur le Garde des Sceaux par Robert Lhez, Directeur de L'Administration pénitentiaire, Juin 1958. Pp. 132 and illustration.*)

Mainly in connection with the trouble in Algiers, there has been a further rise in the number of French prisoners, except females, the total being 23,331 in 1958, as against 20,177 in 1957. The number of former collaborators in prison has been reduced to 29 from its original total of 29,401 in 1946. North African prisoners number 5,741. In spite of the rise in inmates, several prisons had to be closed for financial reasons, with serious inconvenience to the administration. On the other hand, a third *prison-asile* has been opened, the 'Centre Boudon' in Bordeaux, and also a 'Centre de cure anti-alcoolique' in Lyons. Numerous temporary adjustments had to be made to cope with increased numbers, some of them with serious misgivings. On the work of the 'Centre National d'Orien-

¹ London: H.M.S.O., Cmnd. 529. Pp. lvi + 94. 8s. net.

tation' at Fresnes it is stated that it had to be limited to classification and that its observations could not be used to full advantage. In all, 774 prisoners were observed at Fresnes during the year.

'It has become a commonplace', writes M. Lhez, 'to say that out of a total of 23,000 prisoners no more than 1,500 can benefit from a progressive régime which is applicable only to those serving long-term sentences.' Many of the others have to be kept in a state of 'regrettable promiscuity'. Short prison terms, he continues, are harmful and should be avoided wherever possible. It has to be noted, however, that the number of prisoners serving sentences of one year or less (*court peines*) was only 4,680, which does not seem to be a particularly high proportion and is much less than in this country. Unfortunately, there is no further breakdown as to length for these shorter sentences.

Substantial sections of the report deal with staff problems, prison labour, and building.

H. M.

SOCIÉTÉ INTERNATIONALE DE CRIMINOLOGIE.

(*Bulletin publié avec le concours du Centre National de la Recherche Scientifique (France). Année 1959 (Ier Semestre). Melun 1958. Pp. 204.*)

The first part of this Bulletin contains a verbatim report of the proceedings at a Conference held in Paris on the 29th June, 1957, when three papers were read on the following subjects: (1) 'Crime et Ville', by Dr. Szabo; (2) 'L'Etat dangereux dans les épileptiques', by Dr. Barande; (3) 'Les auteurs d'incendie volontaire', by Dr. Pichaud. In the third part, various papers are reproduced on the subject: 'What should, from the point of view of the criminological sciences, a good case history report contain, in order to be most useful (a) to the court in imposing sentence; (b) to the penal authorities in determining treatment?' The second part contains the annual report of the Society. In view of the considerable importance of the papers in parts one and three it is hoped to publish a full review at some later stage.

H. M.

ESTABLISHMENT OF A BRITISH INSTITUTE OF CRIMINOLOGY

In a written answer to a Question in the House of Commons on 31st July, 1958, the Home Secretary, Mr. R. A. Butler, announced that Cambridge University had agreed to consider establishing an Institute of Criminology 'if the necessary funds can be made available', and that he was in consultation with the University Grants Committee. The nucleus of the institute would be the existing Department of Criminal Science which 'would be developed on a broader basis and steps would be taken to associate all interested faculties with its management' (*The Times*, 1st August, 1958).

REVIEWS

DIE PROSTITUTION ALS PSYCHOLOGISCHES PROBLEM. By Siegfried Borelli and Willy Starck. (Berlin-Göttingen-Heidelberg, Springer-Verlag, 1957. With 22 Illustrations. Pp. viii + 271. DM 48.)

In the first part of this book, produced jointly by a medical expert and a psychologist, the history of prostitution is briefly sketched and legal developments in Germany are described, with special reference to the Acts of 1927 and 1953. The former abolished the system of Regulation, the latter is more concerned with the struggle against V.D. than with that against prostitution as such. There is, however, a system of voluntary registration, under which the Public Health Authorities issue control cards to prostitutes who undertake to present themselves for weekly medical examination (pp. 30 and 128). From the figures available for Munich, the authors conclude that clandestine prostitution has considerably increased in Western Germany. In subsequent chapters the theories of causation, including those of demand, and a few recent studies, in particular the Italian one by Origlia, are fully discussed. There is a useful table on pp. 49 ff. showing the 'abolitionist world situation'.

The object of the second part is to test the validity of the various theories of causation by examining a sample of seventy women patients of the dermatological clinic of Munich University, thirty-five of them officially known as prostitutes and thirty-five known as women frequently changing their sexual partners. The examination consisted of interviews and the filling in of detailed forms, the application of five psychological tests, including the Rorschach Test and the Wechsler-Bellevue Intelligence Test (p. 132), and general observation of the patient's behaviour. The discussion of the results, with several detailed case histories, fills the remainder of the book. The principal findings indicate a combination of internal, especially hereditary, and external causal factors, with marked differences between the two groups of the sample, the prostitutes showing more conspicuous deficiencies than the others. The authors reject the idea of the 'born' prostitute, but regard the prospects of resocialization, nevertheless, with justifiable scepticism. They are strongly against any attempt to use compulsive measures of rehabilitation and recommend, with some reservations, the establishment of suitable voluntary homes, at the same time stressing the need for preventive efforts beginning in childhood. Although, as in most studies of this kind, the positive, constructive part is inevitably disappointing, the book as a whole is a valuable contribution to the problem.

H. M.

DAS PHÄNOMEN DER STRICHJUNGEN IN HAMBURG. By Gerhard Kuhn. (Schriftenreihe des Bundeskriminalamtes Wiesbaden, 1957, Wiesbaden. Pp. 120.)

As compared with the vast literature on female prostitution, its male counterpart has so far been neglected. Dr. Kuhn's careful analysis of a sample of 352 male prostitutes ('*Strichjungen*') in Hamburg is therefore of considerable interest. The sample was taken from the files of the Hamburg criminal Police and the crimino-psychological department of the Hamburg Remand Prison for

the period 1945 to 1954, ranging from the age of 13 to 37, with a marked concentration in the age group 16 to 24. Approximately one-third of these boys or men admitted homosexual leanings, the others seemed to be heterosexual. Their family and social backgrounds are examined and interesting information is given on localities facilitating male prostitution, such as restaurants, homes, public baths, lavatories, etc. Two types of male prostitutes are distinguished, those who are psychological deviants and those who are generally *verwahrlost*. There is a detailed analysis of the offences committed, of the customers who include men from any kind of occupation and profession, of the penalties imposed, ranging from fines to penal servitude, and of other crimes committed by these prostitutes.

On the strength of his findings, the author expresses himself against the abolition of the penalties of homosexual conduct between males. In addition, he makes a number of practical recommendations regarding its punishment and treatment.

H. M.

- (1) DIE GEISTIGE SITUATION DER DEUTSCHEN STRAFRECHTSWISSENSCHAFT. By Thomas Würtenberger. (Freiburger Rechts-und Staatswissenschaftliche Abhandlungen, Vol. 7, Verlag C. F. Müller, Karlsruhe, 1957. Pp. 100.)
- (2) DAS MENSCHENBILD UNSERER ZEIT UND DIE STRAFRECHTSREFORM. By Hans Heinrich Jescheck. (Recht und Staat in Geschichte und Gegenwart, Vols. 198/9, Verlag J. C. Mohr (Paul Siebeck), Tübingen, 1957. Pp. 40. DM 3.80.)
- (3) INTERNATIONALES COLLOQUIUM ÜBER KRIMINOLOGIE UND STRAFRECHTSREFORM. (Die Albert-Ludwigs-Universität Freiburg im Breisgau 1457-1957, Hans Ferdinand Schulz Verlag Freiburg i.Br., 1958. Pp. 132. DM 8.)

These three publications have recently come from the University of Freiburg i.Br., the first, a greatly enlarged version of the inaugural lecture delivered in 1955 by the Director of the Institute of Criminal Law and Penal Administration, the second a lecture given in 1956 by the Director of the Institute of Comparative and Foreign Criminal Law, and the third a report on an international conference on the relation between criminology and the present reform of the German Penal Code, held on the occasion of the 500 years celebration of the foundation of Freiburg University.

The most striking feature of the first two publications is the critical and heart-searching spirit with which the authors tackle their subjects. It is their conviction that, in many ways, some radical re-thinking and new foundations are needed to produce a system of criminal law and a science of criminology capable of coping with the demands of a changed world and a new type of human being. Professor Würtenberger's basic criticisms of certain aspects of post-war German writings on criminal law are, first, their extreme dogmatism and remoteness from urgent practical problems, which have considerably reduced the value of their contributions to the work on the new Penal Code. Secondly, he deplores the too one-sided emphasis on the idea of retribution with its harmful consequences for a sound penal policy. In an interesting analysis of current trends in criminology he stresses the leading part of the lawyer, which is in harmony with the general trend of Continental thought. Of the many topics

discussed in the second part, the well-balanced remarks on the relationship between law and morality, on the system of values to be protected by the criminal law, on the reform of the law of sexual offences, and on the individualization of penalties and measures of security and its relation to the idea of justice deserve to be mentioned.

Professor Jescheck raises the fundamental question: who are the human beings for whom the new Penal Code is intended and what can be expected from them? His answer—different from that given at the turn of the last century by Ferri, Garofalo and Liszt—is that human beings have to be treated as free responsible agents and that, much more than could be anticipated fifty or even thirty years ago, this view has been supported by the findings of modern science, be it biology, psychology and psychiatry (including Freudian psychoanalysis), or sociology and physics. All of them, the author tries to show, are unanimous in stressing human responsibility, a fact which has decisively shaped the structure of the new Draft Code with its emphasis on guilt and just retribution. This does not exclude the development of a modern and revenge-free system of penalties and security measures, not only for the occasional but also for the habitual offender. The author, himself a member of the Government Commission responsible for the new Code, whilst agreeing with most of its principal recommendations, does not hide his occasional disapproval, for instance, on such questions as the retention of the dual-track system and of penal servitude.

In the third publication, the papers read at the Freiburg Colloquium by four foreign experts, Professors Frey (Zurich), Graven (Geneva), Hurwitz (Copenhagen), and Röling (Gröningen), with the subsequent discussions, are reproduced in full. Their subject was the General Part of the Draft Code in the light of modern criminology and of recent developments in various foreign countries, notably Switzerland, Denmark and Sweden, Holland, and Gt. Britain.

H. M.

CAUSES OF CRIME. By Lord Pakenham, assisted by Roger Opie. (London: Weidenfeld and Nicolson, 1958, pp. 198, 21s.)

Perhaps the most useful service this book can render is to help explode a myth that has clouded public investigations of psychological problems from the earliest days. The right of every man to be his own psychologist, although perhaps not too stoutly maintained in recent times, is still taken for granted by the general public. Hence, when psychological or sociological controversies arise on matters concerning the public weal, it is still believed, especially by Government Departments, that the best thing to do is to appoint men or women of intelligence and presumably commonsense, and give them a roving commission to survey whatever expert evidence exists on the subject, sometimes to do a little research of their own on the side. This accounts incidentally for the constitution of most Royal Commissions and Departmental Committees.

Lord Pakenham evidently saw himself in the rôle of a one-man commission surveying the causes of crime. To be sure he took the precaution of appointing a group of technical assessors, presumably to orientate him on the technical

aspects of a highly technical problem, a form of scientific training which would scarcely meet the requirements of the most accommodating teaching centre, but which leaves the lay observer free to express his own views on matters that have puzzled most experienced research fellows and sometimes set them by the ears. That in addition Lord Pakenham did not, for extrinsic reasons, complete his own investigations is perhaps no great matter: he had already come to a number of conclusions which his publishers somewhat naïvely describe on the dust cover as 'challenging'. And these, together with a precis of such scientific opinion as he collected and a considerable mass of *ex parte* opinion from less scientific sources, constitute the largest part of the book he has now published.

The result is as might have been foreseen. His book assembles a great variety of conclusions arrived at by interested parties and organizations whose representatives vary widely in scientific training and experience. Incidentally, Lord Pakenham confesses freely that whether or not he is an expert on crime, his first hand knowledge of the views of British experts on the causes of crime 'would be difficult to parallel'. This is, to say the least, a sanguine judgment. Excepting quotations from Drs. Gibbens and Bowlby, his psychological range of inquiry excludes almost totally the contributions of modern dynamic psychology. The degree of his orientation, however, may be surmised from his summary of the views of Sir Walter Moberley, where he quotes the latter regarding psychologists of the 'extreme school' who say that no men are guilty. This, it is implied by Sir Walter (and Lord Pakenham is in no position to contradict him, or at any rate does not do so) is a Freudian position, a school-boy misapprehension which the most cursory knowledge of Freud's fundamental work on unconscious guilt would have prevented. Indeed, it is precisely because of this lack of dynamic orientation that the author finds himself impressed by so many apparent contradictions in opinion and discovers so many blind alleys in research.

Regarding Lord Pakenham's own comments on the evidence of witnesses, it may be said at once that the author is most at home when discussing the opinions of those witnesses who approach the problem from a descriptive and *a priori* angle, who in fact share many of the author's own orientations. In short, what the 'Causes of Crime' establishes beyond peradventure is that its author is an intelligent person, educated in the cultural though not in the scientific sense of the term, of devout Christian persuasion, a moderate dialectician, of unquestioned sincerity of purpose but a trifle opinionative on many matters concerning which he is not qualified to express an authoritative opinion. It was no doubt this multi-factorial set of characteristics that was responsible in the first instance for his melioristic if somewhat moralistic interest in crime.

E. G.

INSANITY AND CRIMINAL LAW. By B. K. Bhattacharya. With a Foreword by Hon. Mr. P. Chakravarti, Chief Justice, High Court, Calcutta, and a Preface by Dr. Hermann Mannheim. (Calcutta: S. C. Sarkar and Sons (Private) Ltd., 1956. Pp. xxvi + 114, including Index and Appendices. Rs. 6.)

This little book by a distinguished Indian barrister who has recently been elevated to the Bench sets out to explain the criminal law of England and India (including the evidential and procedural rules) relating to the question of the

criminal responsibility of persons who are mentally disordered. The account of the English law is accurate enough, though there are one or two blemishes. Chief Justice Chakravarti in his Foreword rightly complains of the treatment of Hadfield's case in the text, insufficient importance being assigned to it as a turning point in English judicial thought and a fore-runner of the M'Naghten Rules. The statement in a footnote on page 10 that the judges who laid down those Rules were not unanimous might have made it clear that only one judge (Mr. Justice Maule) dissented. The Atkin Committee on Insanity and Crime reported in 1923 not 1924, as stated on p. 19. The majority of the Royal Commission on Capital Punishment did not favour the defence of irresistible impulse being added to the present rules, as p. 20 would lead one to suppose. Appendix D (pp. 99-100) is more accurate, though even this does not make clear the respective views of majority and minority.

With regard to the law and practice in India, we cannot speak of the accuracy of the account here given, but one or two interesting facts emerge. It would seem that grave injustices occur with regard to the detention of persons on minor charges without trial on the ground of unfitness to plead. Also it would appear that medical examinations are frequently perfunctory, and there is a great shortage of suitably trained personnel. The account given of the Indian case law is full of interest to the English reader, for here are spelled out in greater detail than in the English cases all those limitations and qualifications which provide the great merits and defects of our approach to this particular juridical problem. The Indian courts have followed closely in our footsteps, so that reading about these cases is like looking in a mirror and not liking what you see. Again, unfortunately, the references to English law require cautious scrutiny. The reason why Thomas John Ley did not plead insanity was because he did not wish to, and this cannot be blamed on his counsel, as would appear from p. 26. Indeed, the author is well aware of this difficulty, which he describes at p. 3. The law relating to the effect of drunkenness on provocation, stated in footnote 2 on p. 32, requires modification in the light of *R. v. McCarthy* [1954] 2 W.L.R. 1044. In any new edition the author will also have to include reference to the cases of *D.P.P. v. Bedder* [1954] 1 W.L.R. 1119 and *R. v. Ward* [1956] 2 W.L.R. 423, and take into account the effect of the Homicide Act, 1957, Section 2, dealing with diminished responsibility.

The author's strictures on the way in which the law presumes sanity and places the burden of proof of insanity on the accused are among the most useful comments noted, also his suggestion that the Bench should have training in penology, psychiatry and psychology is noteworthy, though not novel. The notion that expert assessors should be associated with the judge for the purpose of sentencing (footnote to p. 8) is another interesting suggestion, though it is difficult to see how this ties up with the notion that the judge should sit with the jury to decide the question of insanity (p. 7). Notwithstanding Dr. Mannheim's expressed enthusiasm for this latter proposal, I must confess that I remain rather sceptical of the value of having the judge associated with the question of responsibility in cases of mental disorder in the way suggested.

J. E. HALL WILLIAMS.

THE NATURE OF HYPNOSIS. By Paul Schilder. (New York: International Universities Press Inc., 1956. Pp. 204, \$4.00.)

This is a valuable book for anyone interested in the phenomena which the author describes with remarkable clarity. Dr. Schilder speaks from long experience but without being repetitive or diffuse, and supports his observations and therapeutic conclusions with data and facts which are in line with those advanced by other well qualified practitioners in this interesting and important field of psychiatry and psychotherapy. His book includes the English translation of two previous German monographs on the subject of hypnosis which accounts for its division into two parts—(1) on 'The Nature of Hypnosis' and (2) 'A Textbook of Hypnosis'. (By Paul Schilder and Otto Kauders.) The first section includes chapters on The Organic Basis of Hypnosis; the State of Consciousness of the Hypnotized Person; the Hypnotist. The second section deals with the Phenomenology of Hypnosis and its effects; the Suggestive Rapport; Light Hypnosis; the Technology of Hypnosis; and finally, its specific application in the treatment of Organic, Nervous, and Psychotic Diseases.

There is at the present time undoubtedly a revival in the study and practice of hypnosis. An International Society for the purpose has just been inaugurated in London claiming to have branches in most European, American and Asian countries. There are other societies in the United Kingdom. In view of this renewed interest in the subject, a book such as Dr. Schilder's is very welcome and desirable, well fitted as it is to rescue hypnosis from the excessive claims and misunderstandings to which, as regards both nature and phenomenology, it is liable.

About the remarkable effects which can be obtained by any one experienced in the necessary techniques there is no doubt; these have been demonstrated in the consulting room as well as on the entertainment platform. Dr. J. A. Hadfield by hypnotic suggestion produced ulcers, resembling those of burns. I have myself taken patients—both young and old—to the dental surgeon: teeth were removed and filled in the case of nervous, fearful patients without pain or bleeding and sometimes without their conscious awareness of the operation. It is of interest that I could do this for others when I could not, to the same extent, do it for myself! Tell a hypnotized subject that he is on a sinking ship and can only save himself by diving overboard; he may do it to the extent of hurling himself on the floor.

The usual therapeutic use of hypnotism is in the psycho-therapeutic field. The removal of phobias, obsessions, nervous and mental habits and other psychosomatic conditions can be helped and in many cases cured by what appears to be a state of absolute belief brought about by a tacit yet definite arrangement between the patient and the physician. It is a demonstration of the power of faith which by the apostle was defined as 'the giving of substance to things hoped for, the conviction of unseen things'. Hypnosis in its limited field appears to satisfy that requirement. In suggestion we do not say that what is desired will turn up; we turn it up by claiming and appropriating the good or benefit; we do not say that the thing will happen, but that it is already happening, and in some cases has happened. In other words, there is an identification of the means to a particular end with that end. It may be objected that this opens up the way to wishful thinking divorced from scientific method and

principle. This is true and we might have hoped that Dr. Schilder had given more space to this consideration. True, he has a chapter on 'The Hypnotist' and another on 'The General Principles of Hypnotherapy', but I should have liked more definite emphasis upon the need for intelligent common sense and loyalty to truth, both on the part of the physician and of the patient.

'Be a man's faith true or false', said Pythagoras, 'it will achieve wonders'; but the faith must be based on what is true, not just on what we would like to be true, if the wonders are to last. 'What is truth?' said Pilate; and he was not necessarily jesting when he said it. Even if we may not be able to give an entirely satisfying answer to his question, all of us will agree that in seeking what is good and true we must look beyond ourselves, limited as we are in our knowledge and liable to be led astray by purely personal and temporary interests.

We will also agree that in any really deep human relationship there is a situation pregnant with great possibilities in which purely physical and temporal facts can be transcended. Dr. Schilder with remarkable skill has explored and opened up for us some of these potentialities.

J. BURNETT RAE.

THE ANNUAL SURVEY OF PSYCHOANALYSIS. VOL IV. Edited by John Frosch and Nathaniel Ross. (New York: International Universities Press. 1958. Pp. 770. \$12.)

These periodic volumes have a monumental and encyclopaedic quality because of their range over theory and practice. The individual papers are carefully classified under heads, such as:— Critique and Methodology; Ego Psychology and Instinct Studies; Psychoanalytic Child Psychiatry; Applied Psychoanalysis, etc. There is surprisingly no specific section on delinquency as much data has accumulated over the years.

All the articles are valuable, but not equally digestible. While psychoanalysis is illuminating, its light is somewhat blinding and may illuminate so evenly that definition is lost in the light of one theory. Nevertheless, there are stimuli scattered unevenly over its 700 pages, and directives in the 260 bibliographic references.

E. M.

PSYCHOANALYTIC STUDY OF THE CHILD. VOL 12. Edited by R. S. Eissler, *et al.* (New York: International Universities Press Inc. 1958. Pp. 417. \$8.50. London: Imago Publishing Co. 50s.)

The panel of distinguished authors continue to reach the high level which former volumes displayed. Again the subject matter is very wide—six essays on theory form an aspect of early development, and seven on clinical observations. The essays of particular interest to readers of this journal are:— E. Jacobson, On Normal and Pathological Moods; M. Kris, Use of prediction in a longitudinal study; Peter Blos, Pre-oedipal factors in the etiology of female delinquency; Margaret Ruben, Delinquency—a defence against loss of objects and reality. Both the last two essays in their historical material show how the difference between delinquent and non-delinquent behaviour, while psychodynamical, is largely quantitative.

E. M.

HOW CHILDREN LEARN TO SPEAK. By M. M. Lewis. (London: George Harrap & Co. 1957. Pp. 144. 8s. 6d.)

This brilliant little book, pleasant and readable, will be welcomed by all students of the beginnings of language development in the child. Parents, teachers and psychologists, as well as linguists, will find in it much that is interesting and thought-provoking. In general, it presents the same thesis and draws on the same material as Professor Lewis's larger work on 'Infant Speech' (Kegan Paul, 1936), but gives it here in a fresh, lively and abbreviated form that should make it an ideal introduction to this important subject.

Beginning with Darwin's theory (1873-1877) concerning the origin of infant speech in the child's expressive cries (discomfort sounds and comfort sounds), the author develops a closely reasoned argument to show the child's gradual acquisition of the mother tongue. The early sounds of the child are classified into six groups (forming an 'international language') remarkably alike whatever the nationality of the child. The problem is to trace, from this simple and uniform beginning, the development of spoken language in all its variety.

The basic themes of this book are those of 'babble' and 'imitation'. Not all students of childhood would subscribe completely to the author's conception of the function of *babble* as producing pleasurable vocalization or 'play with words' or taking an 'early delight in language itself'. All this is of course true; but is it not possible also to recognize babble (a persistent habit with normal babies) as none-the-less: (i) an attempt, often grossly imperfect and unrecognizable, to reproduce some part of the *onward flow* of heard conversation that goes on around the child throughout his waking hours; (ii) the delayed reaction—in fact, 'delayed imitation'—that is characteristic of infancy, and (iii) an act of memory, sometimes an attempt to reproduce subjectively some emotionally disturbing or intensely interesting experience? A further very difficult problem arises, in the development of the young child, concerning the transition of *imitation* of others to the creative, conceptual act which is the basis of conversation and social communication. How, for example, does the normal child by-pass the sterility of echolalia? May not the answer to this question also lie in a detailed study of babble as such?

These are some of the questions that are raised in the reader's mind by this fascinating book. Many people will want to join the reviewer in thanking Professor Lewis for writing it.

RUTH GRIFFITHS.

THE POVERTY OF HISTORICISM. By Karl R. Popper. (London: Routledge and Kegan Paul. 1957. Pp. xiv + 166. 18s.)

There are at least two unfortunate things about this book—its title and the fact that it was not available earlier. The book deals with aspects of methodology of research in the social sciences, but it seems unlikely that any reader would assume this from the spine. The majority of the material in this work appeared as articles in *Economica* in 1944 and 1945 and in book form in Italian in 1954 and in French in 1956.

Perhaps another unfortunate fact about the book is that it is not a book which can be 'dipped into'. To do so would certainly lead to the formation of wrong ideas about what the author is saying. The argument is developed in such a way

that at times the author is stating the case for historicism far more strongly and clearly than historicists themselves, and at other times he is attacking concepts to which he may or may not subscribe. The balance of Popper's argument is to be found in the whole book, as a whole. This may seem to be an odd thing to say about Popper; for he is believed by most sociologists to be the arch-enemy of 'holism'. But the critics usually fail to note (or at least adequately to discuss) Popper's definition of 'holism'. He divides the concept of 'wholes' into two classes (a) the totality of all aspects or properties of a thing, and especially of all the relations holding between its constituent parts; (b) certain special properties or aspects of the thing, namely, those *which make it appear an organized structure rather than 'a mere heap'*. On page 80 he says, 'nobody doubts of course that "wholes" in sense (b) can be moulded or controlled or even created as opposed to "wholes" in sense (a)—we can create a melody, for example.'

Popper describes two basically different approaches to methodology in social inquiry with both of which he disagrees in many respects. He calls these the 'anti-naturalistic' and the 'pro-naturalistic' doctrines. The former argues against the use of the methods of the physical sciences in social research and the latter in favour of them. While these two schools of thought argue among themselves the author regards most of the argument as based on a misconception of the methods of the natural sciences. To Popper the methods of research are basically the same in all sciences—the methods of trial and error; of setting up hypotheses and testing them. The destruction of a theory is seen as 'a good thing' in that by its destruction we have gained in knowledge. We need, he says, the criticism of others as an essential part of research methods.

The school of thinkers founded by Aristotle, who taught that scientific research must penetrate the essence of things in order to explain them, the author designates 'methodological essentialists'. These persons ask, 'What is justice?' 'What is force?' This school is contrasted with the 'methodological nominalists' who ask rather, 'How does this behave?'—they regard words as useful instruments of description and see no meaning in trying to reveal the 'essential' meaning of terms. As Popper points out, the 'methodological nominalists' have been victorious in the natural sciences. Physicists do not inquire into the nature of light!

It is difficult for any reviewer to read a book with such interest as this one and to refrain from expressing personal views. Perhaps the same result may be achieved with more discretion by noting how much better this most excellent work would be if Popper had brought it completely up to date by considering and discussing the implications of the work of Hoyle in cosmology, of Wald in the theory of statistical decision functions, and of those who have recently developed the theory of strategy and of analogue devices. It is to be hoped that a further edition will be forthcoming soon which will discuss these developments. In the meantime no workers in the social sciences should be unaware of this work.

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Vol. IX, No. 2. Erratum

'Juvenile Delinquency in Problem Families in Cardiff.' It is regretted that an error was made in the printing of the graphs on pp. 100-101. The figures (not the legends) should be transposed.

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